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NEWSPAPER REPORT

Page No.900

The Hindu, Madras, Dated 17th June 1911

British and French administ-ration

The Indian Patriot, of the 17th June, has the following:- "Lord Curzon cited the example of the French in Indo China to limit the claims of Indians to higher administrative posts. But Indians were not satisfied with the example; nor have the Government themselves after him viewed the example as fit for their adoption. And now comes a French writer in a French Review, who finds fault with the French rulers of Indo China for not doing as English rulers have been doing in India, for not giving to the natives'posts in the administration in accordance with their aptitude, traditions and vanity'. Describing the reforms recently introduced here he says that 'France in Asia can learn a great deal from England's experiences, both as to what to follow and what to avoid'. Thus, on the admission of a Frenchman who writes with authority the wisdom of the British rulers stand higher than that of the French rulers of Indo China, although Lord Curzon thought that the British rulers could be quite content with approximating to the French policy in Indo-China. The problems in the two countries are somewhat similar, though in the treatment of them there has not been much similarity, the higher wisdom of the English, according to the French writer, asserting itself with marked advantages. . . . . Thus, in the opinion of a shrewd and observant Frenchman of distinction, his

countrymen have not proved adepts in the act of governing alien races; and they have done nothing to take away from the native nationalism the motives for its existence."

The Hindu, Madras, dated 19th June 1911. 465/83

In a further article on this subject, the Hindu, of the 19th June, writes:- "The murder, whether it partakes of the nature of a political crime, as it is suspected to be, or no, is the most wanton and unprovoked outrage which has up to now been recorded in the history of these disgraceful outrages that have tarnished the fair name of the country before the civilised world. The noxious growth of anarchical crime, so entirely foreign to the instincts, sentiments and cherished convictions of the people of this land, is not, it is to be hoped, entering into this peaceful Presidency. It is the duty of the people, as much as that of the Government, to strive their best to see that it does not obtain a foothold in this Presidency. The danger of the anarchist to the peace, order and well-being of the people must be manifest to the meanest understanding. The anarchist, with his false and traitorous patriotism, is a much greater danger to the mass of his countrymen than to the ruling class or to the constituted authority. The negation of law and order and the substitution of the anarchist's own judgment, means and weapons for those of constituted authority, is fraught with far graver danger to the community than to the agents of administration who could easily take care of themselves, if they have not to take care of the community, too. When they have got to

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do both, the task is an extremely difficult one, and while it is necessary that they should not adopt measures in a panic which would harm the peaceful and law-abiding citizen, in the attempt to put down this species of violent crime, it is equally necessary that the people and their leaders should strive their utmost to assist the authorities to weed out of this country this strange, cruel and un-Indian movement. It is indeed to be devoutly hoped that the crime at Maniyachi will turn out not to be of an anarchical character."

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Hindu Nesan, Madras, Dated 19th June 1911.

The murder of Mr.Ashe.

The Hindu Nesan, of the 19th June, expresses its horror at the assassination of Mr.Ashe, who was known to be a capable and sympathetic Collector, and heartily sympathises with Mrs.Ashe in her sad bereavement.

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The Andhrakesari, Rajahmundry, dated 23rd June 1911

The Andhrakesari, of the 23rd June, says, with reference to the tragedy of Mr.Ashe's murder, that whether it is political or not, such an outrageous and dastardly murder had never been recorded before this. The heinous crime of anarchism which is quite in opposition to the instincts and traditions of the Indians, has made its appearance in this Presidency which has hitherto been enjoying undisturbed peace. It is the duty, says the paper, of both the Government and the people to drive it

out of this Presidency by all means in their power. The dangers of anarchism are plain even to the meanest understanding. The anarchist, with his false and murderous patriotism, is a greater foe of the country than of the Government. Government should, of course, put down anarchism with a strong hand, but in their determination to do so, they should not hastily enact repressive measures which are a hardship to the law-abiding subjects. Mr.Ashe was very popular in Tinnevelly. On the occasion of the last Godavari Pushkaram, he did yeoman service and won the gratitude of the pilgrims. The paper, in conclusion, feels sorry for the horrible end which evertook Mr.Ashe, and condoles with Mrs.Ashe and the other members of his family in their sad bereavement.

Page No.948

Manorama, Calicut, Dated 23rd June 1911

The murder of Mr.Ashe, the Collector of Tinnevelly.

A leader in the Manorama, of the 23rd June, dwelling at length on the shocking news of the murder of Mr.Ashe, Collector and District Magistrate of Tinnevelly, says that Mr.Ashe was widely spoken of as a very popular officer, always solicitous for the welfare of the people and ready to redress their grievances. As a member of the Indian club at Tinnevelly, be moved freely with many of the prominent native gentlemen there. Both in his official and in his private capacity he was liked by the people and gave no occasion for resentment or disaffection. It is therefore to be supposed that the murderer was prompted to commit this heinous crime in revenge for some wrong

real or imaginary. It is not at present possible to say if the crime is a political one. While the other Presidencies were being violently agitated by the storm of sedition, our Presidency remained calm and collected. The Tinnevelly ryot was the only instance in which the calm was disturbed and when that disturbance subsided there was no visible signs of any unrest. It is difficult therefore to conceive why such an atrocious crime should have been committed at this most peaceful time. Whatever the motive of the murderer may be whether seditious or otherwise - he stands condemned by the people in general. Those who are responsible for such outrages are not only seditionists but enemies of their country as well. They only pave the way for the increase of racial animosity. We have been lifted up by the mighty hands of the British Raj and it is only with their continued help that we can further rise in the seale of civilisation. We have to remember that each pistol pointed at the life of a Britisher is a volcano bursting upon the Indians themselves and that each drop of British blood spilt takes away with it a good portion of the sympathy of Government towards the people of India. Mutual confidence alone engenders sympathy. Hence all real lovers of the country should try their best to see that such abominable crimes do not occur in the land, and should loyally help Government to find out the evil doers and hand them over to justice. The article concludes with a hope that the authorities will see that in the investigation of the matter innocent people are not harassed. The article further prays God to bless the soul of the unfortunate

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victim with peace, and offers heartfelt sympathy to his widow and children in their bereavement.

<u>Page 979</u> <u>Desabhimani, Cuddalore, Dated 24th June 1911</u>

The murder of Mr.Ashe

The Desabhimani, of the 24th June, has the following leaderette in English:- "We are extremely sorry to record the death of Mr.Ashe, I.C.S., Acting Collector of Tinnevelly, which took place on the 17th instant under very tragic circumstances . . . . . The identification of the assassin and his motive for this dastardly act are not yet made clear. According to some, personal grudge has been the cause, while according to others, the villainous act is traced to some possible political conspiracy. Whatever it be, the act is a most disgraceful one, not only to the district wherein it has occurred, but to the whole of Southern India, which has never up till now stooped to acts of this abominable nature. It is however a matter for some consolation that almost all the leading men of the district condemn the act with utmost abhorrence and contempt and show their heartfelt sympathy with Mrs.Ashe in her sad bereavement. We take this melancholy opportunity to deprecate foolish and treacherous acts of this kind, which bring ruin upon the country and hope that the authorities will leave no stone unturned in putting down the conspirators, if any, and protect the country from such dangerous characters as the assassin of the late Mr.Ashe. To Mrs.Ashe we tender our most sincere sympathy in the irreparable loss she has sustained under such moving circumstances. We may assure her that the whole country

bemoans the loss of Mr. Ashe, and curses the hand that took away his valuable life from our midst."

Page No. 980

Mukhbir-i-Dakhan, Madras, dated 5th July 1911.

The Murder of Mr. Ashe.

The Mukhbir-i-Dakhan, of the 5th July, in regard to the murder of Mr. Ashe by a Brahmin anarchist makes the following observations:- Southern Indian had been hitherto free from political outrages, but the thoughtless murderer of Mr. Ashe has smirched the good name of this part of India. The murder it seems, is the result of a deliberate conspiracy on the part of the anarchists. The greatest British statesmen had thought that the noble and kind hearted treatment of the Indians by Lord Minto and Lord Morley would tend to conciliate the Indians but some of the Hindu miscreants have not valued and appreciated the privileges granted to the Indians but are bent upon murdering British officers. Such an occurrence at a time when the day of coronation is approaching will, in truth, bring disgrace upon India. It is certain that the Indian Exchequer will settle some monthly allowance on Mrs. Ashe. Owing to the disgraceful action of low minded Hindu youths, the Mussalmans, Parsis and Native Christians, etc., will also have to suffer the consequences. The Bengali press does not raise the question as to why the burden of such allowances should be allowed to be borne also by the non-Hindus. It is therefore fair that the burden of such expenditure, as in the case of punitive police should be borne by the men who commit such crimes.

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Page No.1086

The Yatharthavachani, Kumbakonam, Dated 10th July 1911.

The Ashe Murder.

The Yatharthavachani, of the 10th, July, * remarks as follows in a leading article condemning the Ashe murder:- The present time is disastrous for the Hindus and this murder will give rise to various troubles. It has led to the suspicion that there is a deep-laid secret conspiracy in Tinnevelly plotting against the Government. The people of the south are by nature of a peaceful and uninterfering temperament, and therefore it is not proper that they should be suspected of any such sinister attempt. No doubt, a riot took place in Tinnevelly some years ago in connection with the swadeshi movement, but we do not believe in the existence of any strong conspiracy secretly working for the overthrow of the British rule. We are sorry for the untimely death of Mr.Ashe, and we convey our condolence to the family of the deceased.

Page No.1162

Swadesamitran, Madras, Dated 2nd August 1911

Sir George Birdwood on the assassination of Mr.Ashe.

The Swadesamitran, of the 2nd August, observes as follows in the course of a leader commenting on Sir George Birdwood's letter to the London Times on the assassination of Mr.Ashe:- Mr.Birdwood says that he has been informed by an Indian gentleman that this assassination was directed from outside the Madras Presidency

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* Received in the current week.

with the intention of decrying the credit of the British Raj in India. "Assassination has never changed the course of Government in the world" is the dictum of Disraeli. Many murders like that of Mr.Ashe have been committed in Europe and America, with the object of terrorising those who carry on the Government and changing the system of administration. But in no country was the Government changed by these murders, nor will it be in India. Sir George Birdwood reminds us of the ancient Hindu doctrine that, the king who fails to rule his subjects according to the precepts laid down in the Sastras should be deposed and another king placed on his throne. In other words, the rulers should exercise all authority in accordance with the laws of the country in putting down anarchy. If such anarchy should occur in any of the Native States, the Raja will at once put it down. Whether the Ashe murder has been prompted by any such motive or not is a matter which the enquiries in the Courts will make clear. But as was observed in the House of Commons by Mr.Montagu, it is not proper to generalize on the political situation of a country from occasional and isolated occurrences. It is a gross blunder to infer, as Sir George Birdword's Indian informant has done, that there is an intention in India to subvert the Government. Nevertheless, we regard Sir George Birdwood's letter as important not so much for the opinion he expresses on anarchy as for his enumeration of the grievances of the Indians under the British rule.

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G.O.No.1542, Judicial, dt. 3rd October 1911.

Report on Swadeshi Meetings.

Pages 19 to 22

TUTICORIN INSPECTOR'S REPORTS

Meeting held on the beach on the 4th March 1908.

The crowd was about 2,000 strong and Subramania Sivam addressed the meeting as follows:-

GENTLEMEN, - This day being Ashe Wednesday there is service in the Church, and so I, would request you all not to shout Bande Madaram. Remember for words Bande Mataram in your hearts and be quiet. We are behaving in an orderly manner up to date and we should also maintain order today. You must not clap hands. I will only deliver my speech if you consent not to shout Bande Mataram. Don't feel sorry for my having asked you to do so. I don't want to see persons arrested on plea of disturbance and the lecture spoiled. Don't laugh. Don't talk. Will you consent to this ? You had better have your ears open and hear me.

For the last so many days I have preached upon oppression, i.e., how to put down oppression and give peace to the country. I don't talk sedition. I simply take the trouble for the good of India, my motherland, where I was born, bred and brought up. Every day we are

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getting stronger and every one gets happier. I am a free man and I am not bound to any body. I don't create factions We don't commit any breach of the peace. From the way the people gather in crowds I understand that there is union. (At this time the speaker was garlanded and there was an attempt at clapping hands, but it was stopped at once at the instance of the speaker.) If anything that is not permanent in this world, such as maya (delusion), comes and battles with us will it gain victory over our divine soils ? If troubles as large as the Himalayas come and face us, they would not conquer the Atmasakti (the power of the soul) which cannot be concealed, separated or taken away. No one would be able to stand before this Sakti. Bear in mind that it will not be possible to subdue us so long as we do right, work up for the cause of the people, and do things which are not illegal. So long as we have strong determination, nothing can be done either by the Government or any private body, and if Government interfere with the general public and do harm they will certainly feel the consequences and be ruined. I told you about the French Revolution, the Russian Revolution and other things simply to show you, that we should not have recourse to revolution for our prosperity but should be patient and quiet in order to obtain Swaraj. I did not mean sedition. The Government of Persia had a narrow escape from being blown up by dynamite. I asked you not to use force but to boycott and to maintain passive resistance. Is that sedition ? Though we tried our best not to do anything objectionable, Yet we are called sedition-mongers.

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We won't obey the rule of foreigners. We wont pay taxes. We will have our own punchayats and settle matters. If we do all the above we will not be called offenders. Because I told the people what Livingstone said about not saluting Europeans when they do not respond, I am blamed for it on the ground that I spoiled the respect shown to Europeans. According to Livingstone our politeness is the cause of our decline. If any speech is made for the benefit of the public and if any assembly gathers to hear it, it is at-once called sedition. I do not care if I am called a sedition-monger. Public servants and persons of pomp treat us with contempt, call us sedition mongers and any names they like. Let us not care for it. Today is Ashe Wednesday, so the Inspector told me not to have the meeting opposite the English church. Simply because we are ruled by Europeans we are not slaves under them. What can I do if 200 or 300 people follow me while going out on the road ? Sir B. Fuller issued a circular prohibiting the shouting of Bande Mataram in Bengal in the public streets. Inspite of it it was shouted from the pials of houses. As the people have a liking for me they follow me. How can I help it ? I don't call them, I don't care for myself. I care for the welfare of the people. Don't think that I will be taken to task for sedition. It will be difficult to do so. One Somasundaram Pillai of Sattur a staunch Swadeshi, was sent to jail in an assault case. I would have been glad had he but been sent to jail in a sedition case, because when he comes out people would garland him and respect him. So many would like to be convicted for

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sedition as it increases their statue. Last year a Parava Cooly was sent to jail by Mr.Waller. When he came out of jail he was taken in procession round the town. Don't fear there is no such thing as fear in the Shastras. Come out courageously, no one will do you harm. 30 crores of people are suffering earning a wage of 10 to 15 rupees for slavery and we must therefore pray for our restoration to prosperity. They are trying to bring us to book for small crimes. We won't commit crimes but when we begin to commit crimes no one will be able to defy us. Christians say 'steal', though Jesus Christ in his commandment says 'Thou shalt not steal.' There are several traitors who put on the disguise of friendship and harbour hatred in their hearts against us. We won't become offenders in the first instance, we will make the foreigners the first offenders. We must try our best to obtain Swaraj. Over 30 crores of people are trying for it, and will obtain it. If not we will become extinct. In all my speeches I have curbed my tongue, from giving vent to words that were objectionable, still I am called a sedition-monger. I am not to blame. Police officers and other public servants say that they will shoot us, if their officers order them to do so. Are they not Swadeshis ? Why should they do so for 15, 20 or 30 rupees ? Sir Howard Vincent said. Why not shoot Lajpat Rai ? 'Then O' Grady said that if Lala Lajpat Rai was shot the English people would be held responsible. While we are slaves under the Government of foreigners we must obey them. Let all the people of India Europeans and anti-Swadeshis - know, that if anything is done against

Swadeshis the God's Sakti will spoil, ruin and destroy them. The speaker then said that V.O.Chidambaram Pillai would deliver a speech and sat down.

V.O.Chidambaram Pillai then got up and spoke as follows:- BROTHERS, - I would request you all to sit-down. As some persons are attempting to drag us into a quarrel we must be orderly. (All sat down) He said that their sitting down in accordance with his request was a sure sign that there was unanimity amongst them. He continued:- We have finished our lectures on union and Swaraj and now we will deal with industries. Why should foreigners purchase our cotton and export it for profit ? Why should not we ourselves do so as the cotton is ours and the men who work are our men ? Such being the case why should others derive gain from our labour ? If two cotton merchants join together, our profit will commence from tomorrow forward. (At this time the speaker was garlanded, and there was a clapping of hands which was put a stop to). We bring our cotton to our town, we do the work, we press it, and then we give the profits to aliens. If four or five cotton merchants unite, it will be very easy to commence the cotton trade and share the profit ourselves. The Swadeshi Steam Navigation Company is already established and has caused loss to the British India Steam Navigation Company which will die away in due course. Next to it comes the cotton trade. It is very easy to capture it. I have received letters from several persons from Madura and Salem intimating that they are willing to invest three-fourths of the capital needed, if the Tuticorin people

help them with the remaining one-fourth and also supply labour. If you people would assist me I would open a big mill for the manufacture of thread and cloth of all sorts. In Bombay out of 80 mills 19 are English concerns and 61 belong to Swadeshis. When our neighbours are ready to assist us why can we not join them and start the enterprise ? They want to open two mills, but I want one, so I have written to them. Are you willing to subscribe and join in the enterprise ? It will be a profitable concern. I ask you to give your assent; God will help us. There are two things we should establish, a mill and a press. Don't think that the press in Melur was not prosperous. It was not a good season then. Now we have a good season, we will reap success. It is high time for us to improve ourselves. Just as the Swadeshi Steam Navigation Company is now established on a firm basis, a mill also will succeed. No criminal complaints should be lodged by us. We should see that no offences are committed. You should at least desist from going to civil and criminal courts. If we showed that we had no need for the police, magistracy, and civil courts for one year then we could say that we did not want them at all. Certainly you must comply with my request. We will have our Swaraj. The municipality will not be mismanaged as at present.

I heard this morning that a vakil sent for a barber to have a shave. The barber asked him if he was not an anti-Swadeshi, the vakil called him a fool and the barber went away without shaving him. By this I conclude that there is union in the town. If you will take interest in the Swadeshi Company and find out who ship cargo and intend to go by steamer, and request persons going to the British India Steam Navigation Company not to do so, matters will improve very much.

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No closed the meeting by saying that the following day's meeting would be addressed by S.Somasundara Bharathi B.A., B.L., and that he and Subramania Sivam would be there keeping order.

Meeting held on the beach on the 5th March 1908

Subramania Sivam addressed the meeting which was about 3,000 strong. He said:- It was proposed yesterday that S.S.Bharathi should deliver a speech today but he is not well, so I am obliged to speak. If I don't speak I can't rest; I feel too weak to speak; I am in a dilemma. However, I will try.

We have assembled here for several days past. It has done good, we can discuss matters. I am able to inform you publicly what is taking place all over the country. All say that the strike was due to my preaching, although I did not do it, so I did not speak about the strike. Think always of Swaraj and not that we are under Para Raj (rule of foreigners). Imagine that we are living in Swarajyam. All of us Hindus. Muhammadans, Christians assembled here have determined to attain Swaraj.

One man comes and asks me to say something about the mismanagement of the municipality. Another tells me that the police want to inconvenience us by parading on the beach. We don't care. Think that it is done out of respect to us.

I spoke about Boycott and recommended passive resistance. Am I to be blamed for it ? I come to know what

barbers think, washermen think and what the police do and what vakils are boycotted. In the presence of the Inspector I wish to say something about the strike which I have not mentioned for the last so many days. The strike is known throughout India. It is getting stronger. The Sub-Collector came and asked Chidambaram Pillai about it. Venkatarama Aiyar, Balaji Rao and Padmanabha Aiyangar sent for the strikers and asked them the cause of the strike. They said that the preaching had had no effect upon them and that because they were ill-treated, they struck work. Yesterday some maistries were taken inside the mill and threatened, but to no effect. During the last two or three days, I hear that some persons have been dragging young boys and the maistries have been preventing it. The Rajangattar (those belonging to the governing nation) are trying to find fault, they are searching in every nook and corner for any sign of disturbance. The Europeans will misrepresent matters to officials, who will side with them and do what they like. If we do a thing, we will do it publicly and openly, but at the same time we will not break the law. Manikka Asari of the British India Steam Navigation Company is said to collect boys and take them to the mill and the maistries complain of it. I don't know what may take place. I say today that if Manikka Asari drags the boys the maistries will interfere and I don't know if there will be a disturbance. If there is I am not responsible and I inform the authorities of this fact in the presence of this public assembly. The Government authorities should assist the aggrieved party and not side with the offending party. The public can be gained over by kind treatment and not by ill treatment and threats. On 9th March Bipin Chandra Pal comes out of jail. It is he who explained to the public what Swaraj is. What did he do? The Government sentenced him to six months' imprisonment, because he refused to do what was dictated to him in a concocted case. The editor of the Bande Mataram was arrested. Bipin Chandra Pal was summoned to give evidence against him. He refused to do so,

so he got six months. We have heard of Harischandra, who lost everything for the sake of truth, in the samy way as Chandra Pal. On 9th March he comes out of jail so we must gather on that day a large crowd of 35,000 people. I hope all will attend. We will celebrate that memorable occasion by coming out in procession all round the town. In the evening we must assemble on the beach and every one should try his best to speak what he likes. The lion of Swaraj comes out and that day will be the day when we will come out from our bonds and hoist the flag of Swaraj. All should join. If you agree to join, I will celebrate the occasion; otherwise I won't. I am not Lord Minto, who refused to accept public opinion. Pal's release day is on Monday, Karthigai day. Our paper Swaraj will come out then. You may think that the police will prevent us. Don't you believe it. The authorities have come to understand that we are peaceable people. We will take out the photo of Bipin Chandra Pal. If police accompany us we will consider it an honour and we will be glad to see them. We will open a Swadesi medical hall for the sale of Ayurvedic medicines and we will select six young true, bold and faithful men and we will train them up to go to villages and preach to the ignorant masses. We will make Tuticorin a Barisal, where the Sedition Bill is in force. As regards the holding of meetings, if the Sedition Bill comes into force here, we must think that we have done our work. Then we will go away to Tinnevelly. Two hundred and fifty Mill hands have struck work in Madura and the authorities

there have made arrangements, it seems, that if I go to Madura I shall not be allowed to preach. I have received this news in a letter from a friend. Why should the Europeans be so much against me ? Why should we not assemble ? It is our land, our motherland, and not the land of the foreigners. If I am ordered not to preach publicly, we will meet in a private building and we will prevent all officials from entering. If the Sedition Bill comes into force everywhere soon, we shall have finished our duty. We are not prepared for war, but we are ready for passive resistance. We will make all village munsifs and Karnams resign, then what will they do ? Barbers don't shave anti-Swadeshis. Two vakil went to them for a shave and they refused. If they had done what others did at Barisal, it would have been much better, i.e., shaved the men partly and then gone away. Are barbers slaves ? Let Government send for barbers to work for loyalists. Europeans are not good workmen. If European barbers come we can make fun of them. If they want we will keep quiet. Government should look after the prosperity and not rob the people and ruin them. If any other Government or Rajangam who have the good of the people at heart comes to our rescue we don't know if we will subject ourselves to the present Government. I have received a letter from one Lakshmisunderam Pillai saying 'Do not help foreign trade and do not give assistance to foreigners. If we are in union, we will gain much. God will assist us. Several crores of pounds have been taken away by foreigners during the last 150 years. They have sucked our blood - now we

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in turn must earn as much as possible and send them away. You must come to determination, you are not inferior to Europeans, you are not their relations or friends, so you must make up your mind not to help them in any way. We must look to our own prosperity. Don't become slaves to money and disgrace yourselves, Don't trouble Swadeshis and don't annoy them listening to the words of the foreigners. Don't be selfish, don't for the sake of money take the coolies back to the mills. Keep your self-respect, beg from door to door for your food. The 9th of March will be a memorable day and it should be celebrated with great eclat. Do you consent to this ? (Bande Mataram). We will open the Ayur-vedic medical hall. Do you accept this ? (Bande Mataram). We must select at least six persons to go out to preach. The paper Swaraj will commence on that day and the public should assist. Will you do this ? (Bande Mataram).

One Sivasubramania Pillai then got up and said:- It is a mass meeting and I am not fit to address such a large crowd. If there be any errors in my speech, I beg to be excused. I am not going to say anything more as every-thing has been said by Subramania Sivam but with his kind permission I will say one word. 'Nothing seditious has been said this evening'.

Subramania Sivam then got up and said that the next meeting would be held on the following day on the beach.

Meeting held on the beach on the 6th March 1908.

The crowd was more than three thousand strong and consisted of several classes. Subramania Sivam got up and said:- Up to this time I have said nothing which is untrue. I have dealt only with facts. I told you what took place throughout the world. I simply say what takes place and what will take place and what popular opinion is and nothing else. Every public preacher is bound to say what takes place throughout the world for the benefit of the general public. I told you what took place in this very town. I told you the history of the world, how nations got back their rights and privileges. Several friends come and advise me not to preach and it I must preach to be guarded in my words. I may be disliked by my friends and my relatives. I may be condemned by Government officials, but I will never desist. On my way here a friend told me to be moderate I have not come to dupe the world, keeping one thing at heart and giving out another. I will not stoop to this. I will represent every thing to the people bluntly, without any thing concealed, in my heart. I am not going to talk more to day, because Padmanabha Aiyangar will speak. I will say something in five minutes after the whole assembly collects and after Padmanabha Aiyangar has finished his speech.

Padmanabha Aiyangar then got up and said:- Gentlemen and dear brothers, Listen to me. Some time back there was a Viceroy by name Lord Curzon who in the University Congress addressing the Bengalis said that they were liars. When he was governing India public servants and Legislative Council Members did not give him true information, so he called them liars. I don't say that Lord Curzon uttered a falsehood. I admit that we told lies because we did not represent all our grievances truly. Sometimes we narrated them at a premium and at other times at a discount. This was a lie, in my opinion. You are aware, gentlemen that

the Divine will is in your favour. Subramania Sivam taught you several things; that is the reason why you assemble in large numbers. I am now going to teach you a new maxim. He then related the story of the Ramayana. After this he explained how the Congress had failed to accomplish anything and said that the maxim which he wished to impress upon people was that nothing could be accomplished without unity. All Indians should combine.

Subramania Sivam then got up and said that if European officials would read the Ramayanam it would do them good, but he feared that even if they read it they would not take any interest in it. He went on:- I have no animus against anybody. My aim is to put down pride. The coolies kept quiet for a week, and now they are going to get better wages, a 50 per cent increase because of Swadeshism. We faced Europeans and gained a victory. It is a proud day for me and for you also. Everywhere where there is any difference between employer and employed, I hope they will come to a settlement. I do not know what God's will is. I am glad of a peaceable settlement, but at the same time I am unable to endure oppression. If they are paid higher wages I am glad. If not I am also glad because the mill will come to us. I don't keep anything at heart. I said that Monday should be celebrated, in honour of the release of Bipin Chandra Pal. We have drafted proposals. I will strike 1,000 copies for distribution. Yesterday I said that the Swaraj flage should be hoisted. Where ? In my house ? No. I have no house. In Chidambaram Pillai's house ? It will be

thought that he is the cause of it. No, all must hoist Swaraj flags on their houses. It is no use taling about Swaraj. It is not mere talk that is needed but writing. Therefore we will publish our new paper. We have become paupers owing to our being under the Government of Foreigners. We have national volunteers. They are those who preserve order in the meeting here. All may come. We welcome all. Every one wants to have a procession. One man wants to bring an elephant. He may do so. The meeting will not be here tomorrow but in the Barbers quarters. One day it will be in the Parava quarters and another day in the Washermen's quarters. Swadeshi will become indigenous like plague in Tuticorin. Then I will go away. Chidambaram Pillai will remain. I came here a wayfarer, but was detained to perform Swaraj Pattabhishekam. The last word I say to you is 'Gather in thousands' You must have union. Christians, Hindus and Muhammadans. You should not assist foreigners. Keep aloof from them. We, Hindus, should refuse to draw water for Europeans. We should not pull their punkahs, and we should refuse to give them supplies unless they pay ten times their value. Boycott may bring trouble, but we must boycott everything and we must have our own way and establish Swaraj. We have much to do. Consider the status of our ancestors, how they lived, how they fought, how they bore arms. If we only thought of this we would get Swaraj in a minute.

Meeting held on a vacant site near the Barbers' quarters on the Victoria Extension Road on the 7th March 1908.

The gathering was about 3,000 strong consisting of different castes. Subramania Sivam, Chidambaram Pillai and Padmanabha Aiyangar were present. Padmanabha Aiyangar took notes of the speeches in Tamil shorthand.

Subramania Sivam got up and addressed the meeting as follows:- We are taking trouble to obtain Swaraj. We speak, we meet and take all trouble to obtain Swaraj I have already said that we are under Swaraj and not under Para Raj. We have been talking for the last month about Swaraj and have commented on several things so that the people who are under restrictions might come out of such restrictions. We have publicly said that we won't go to the civil and criminal courts, but will settle our differences in the presence of our countrymen. When we have come to that determination why should we think that we are under Para Raj? There was no offence in saying so and we did nothing wrong. The day before yesterday I said on the beach that we should hoist the flag of Swaraj. I admit it. It is the aim of every body to do what is expected of him in this world. Some persons have misconstrued that expression. I again say that we will hoist the flag of Swaraj. No one would find fault with the philosophy of man's rights and Swaraj. So there is no sedition. No Government will say that this is sedition. If any Government says that it is sedition, it is no Government. Simply because we want to move harmoniously, we wish to hoist the flag of Swaraj. There is no offence in talking Swaraj and saying that we should hoist the flag of Swaraj. The Calcutta High Court have ruled that one is at liberty to talk of Swaraj and every one can say that he is born to obtain Swaraj. It is not necessary

that others should be willing to give Swaraj. It is not sedition and I said that we would obtain it by our endeavours. Don't fear I say that we want to obtain Swaraj. We won't be slaves for ever. Why should officials enquire about it and take trouble ? I say publicly I am ready to admit it. We are sensible and wise persons. We are fit to obtain Swaraj. We are no hypecrites. We are plain people. We give out everything without harbouring anything at heart. We will tell this to India, to England, to America, and to all the world.

If any official asks you if I spoke about hoisting the flag of Swaraj, say Yes and ask him what offence it is. I don't know the laws of the Government of foreigners. I know of only one law, viz., divine law before which human law is but a straw. I say all this according to divine law and laws of creation. Did they not prevent the recitation of Bande Mataram in Eastern Bengal? The will of the Government of foreigners is law and we must endure it while we are destined to endure it. They want to destroy divinity ? let them destroy us also. Why do you go to the civil courts ? If you have any civil case, go to your Swaraj court or panchayat and have it disposed of. I don't ask you to go outside the existing Government law; remain under it, but do things according to the laws of Swaraj Passive resistance is no offence. If we keep aloof then the movement will become strong, and in course of time the existing courts will be forgotten. The letters

written to me are addressed as:- "Subramania Sivam who has obtained Swaraj in Tuticorin." Some of my Hindu brothern do not wish to have Swaraj and the mention of the flag of Swaraj being hoisted is very offensive to them. If I **talk** it is an offence. If I sneeze it is an offence, if I spit it is an offence. What can I do ? Let those Hindus remain slaves. If you want to improve the industries of the country you must obtain Swaraj.

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G.O.No.1542, Judicial, dt.3rd October 1911.

Note on Tinnevelly Riots & Tuticorin in March 1908.

Pages 84 to 90

(Compiled by the Criminal Investigation Department, Madras)

In order that the origin of the unrest which has prevailed in Tinnevelly for the past few years may be intelligible, it is necessary to give a brief account of how the movement, commonly called Swadeshi, affected the districts.

2. The first report about the "Swadeshi" movement in Tinnevelly was to the effect that two Brahmin vakils of Tuticorin were starting a "Swadeshi" Boycott movement in September 1905 and were arranging to hold a public meeting. One Ramakrishna Aiyar, who had recently returned to the district after an absence of 10 years at Madras was reported to be the originator of the movement. He issued notices arranging for the meetings headed, "He not a traitor to self" and finishing with"Ariso ! Awake or be for ever fallen". At the end of the month the movement had collapsed, chiefly owing to the persuasion of a retired Sub-Judge Mr.Ramachandra Aiyar. At the end of October 1905, a Poona Brahmin, described as a member of the National Indian Co-operative Society of Bombay, appeared in the district and delivered lectures on the "Swadeshi" movement. But though this movement is professedly a commercial one, his lectures included the following subjects:-

the separation of executive from judicial functions, representation of Indian grievances in the House of Commons, the demand for an equal share in high appointments for Indians, the curtailment of expenditure on the Indian Army, etc., One meeting was held in the Hindu High School at Srivilliputtur, and at the end of it, it is reported that the District Munsif joined in the discussion and took up the cudgels on behalf of Government. Nothing more was heard of the movement until April 1906, when it was reported that some of the Indian merchants of Tuticorin were arranging to run "Swadeshi" steamers between Tuticorin and Colombo. The District Magistrate in forwarding the report, remarked that he did not think that anything was likely to come of it. In June 1906 a local vakil, by name V.O. Chidambaram Pillai, who figures prominently in the recent disturbances, was reported to be delivering "swadeshi" lectures at Tuticorin. This man is a second grade pleader, who was for some time practising to the Sub-Magistrate's Court at Ottappidaram, Tinnevelly District. From there he moved to Tuticorin. He was reported to have taken part in the Congress movement. He had been practising as a vakil for about 10 years and was said to be a man of doubtful reputation. In August 1906 G.Subramania Aiyar, the leading "swadeshi" preacher of this Presidency, visited Tuticorin to preside over a "swadeshi anniversary meeting.

No full report of his tour was made at the time, but there is no doubt that his speeches were objectionable. Not content with speaking about the encouragement of "swadeshi" industries and the boycott of English goods, he urged that there should be unanimity among the Hindus who, he said, were not treated on the same level as the British and declared that the people would get what they wanted only if they combined together to make their demands. He abused Lord Curzon and said that Sir Bampfyldo Fuller was a fool. He ended by dwelling on the advantages to be derived from the starting of a permanent "Swadeshi" Steamship Company. In the meantime Chidambaram Pillai had taken to touring in other districts and was reported as lecturing in Tanjore and in Madura in October. The District Magistrate comments on the report about the Madura lecture were as follows:- "I am afraid there can be no question that the spirit of disloyalty has grown during the last year."

3. In December 1906 all District officers were asked to report on the progress of the "swadeshi" movement in the Madras Presidency. A note summarising their replies stated that it was entirely unsupported by the masses, and that matters had hardly got beyond the talking stage. It was prophesied that in this peace-leaving Presidency it would take a long time for the movement to catch on with even a small portion of the masses, and the prospect of its having any political results and of being likely to produce any appreciable hostility to British rule in this Presidency was said to be nil. There was, however, one

exception. The following is a quotation from the note mentioned:- "The only district from which any suspicion of anti-British feeling is reported is Tinnevelly district and there only in the town of Tuticorin."In October 1906 the "Swadeshi" Steam Navigation Company was officially registered at Tuticorin. The nominal capital of the company was 10 lakhs. One Pandi Duraiswami Tevar, a Zamindar, was described in the prospectus as President and Secretary. This, however, was purely a paper appointment and Chidambaram Pillai, the vakil, who was the Assistant Secretary, was no doubt the working officer. The net profits were estimated at 100 per cent. The actual amount of capital subscribed up to date is said to be about 6 lakhs. Some lakhs of rupees were spent on the partial purchase of steamers to run between Tuticorin and Colombo.

4. In March 1907 Chidambaram Pillai visited Madras with the object of raising more money for the Steam Navigation Company. He and G.Subramania Aiyar arranged a public meeting on the South Beach, Madras. Chidambaram Pillai expatiated on the advantages of the "swadeshi" movement, abused Lord Curzon, but was glad that his evil rule had caused the people to become more united. He said that the "Swadeshi" movement could not exist without boycott. It was not only foreign goods but everything foreign that should be boycotted, and if "swadeshi" and boycott were vigorously pursued, the inevitable result would be the attainment of "swaraj". He referred

to the advent of the British in India for the purposes of trade and traced their history as administrations. In conclusion he exhorted the audience to resort to boycott in every branch of life saying that if it was only carried out effectively, the British would soon leave the country. From Madras, Chidambaram Pillai went to Cuddalore, where he canvassed for his company and is said to have raised ten thousand rupees. He also delivered a political lecture in which he referred to the English in disparaging terms. The District Superintendent, in reporting on the lecture said. "There was no doubt that the lecturer used seditions language and seemed to be doing his best to spread discontent". On the 17th April 1907 the first "swadeshi" steamship arrived in Tuticorin, although another steamer had some time previously been chartered and had been withdrawn from service. As soon as the steamer began to run regularly to Colombo, active competition began between the new company and the British India Steam Navigation Company. The Port Officer, anticipating disturbances on the pier, asked that police arrangements might be made to preserve the peace. The District Magistrate himself visited Tuticorin to hear both sides of the question from the managers of the companies and to make arrangements for preventing any possible trouble. Writing about his visit he said:" I saw the manager of the "Swadeshi" Company and advised him to keep to trade and leave politics alone. There is a regular boycott of shops selling English articles now in Tuticorin and customers are stopped and asked what they want to buy. However there is no complaint from shopkeepers and no

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violence is used. The lawlessness of the town rowdies is apparently on the increase as the Municipal staff were recently mobbed and the case is now in Court . . . . The police are insufficient in the town and the Inspector is weak and reported by the Joint Magistrate to be 'swadeshi'. The Port Officer and the Customs officers also report their clerks to be 'swadeshi'; but this is to be expected."

5. Nothing more of importance occurred in the district until July 1907, when G.Subramania Aiyar started on a second lecturing tour in the district visiting, eight different towns. The tone of his lectures may best be understood by quoting an extract from one which was described by the District Superintendent of Police as very characteristic of the lecturer "There are three vital and most important disadvantages under the British Government which are only for the benefit of the white people who purposely retain them and do not remove them. (1) They have denied natives higher appointments under the Government; (2) they do not consult them even in matters affecting their interest; (3) they do not give them enough food. We hate them and their presence is detestable. The effect produced on a district containing an unusually large number of the turbulent classes by a series of such lectures was most mischievous. At these lectures Subramania Aiyar used to give away copies of a book about which the District Magistrate sent the following report:-

"I enclose a book which is being distributed by Subramania Aiyar after his lectures. It is published by his own press for sale nominally, but really is given away

at his political meetings, and the object is apparent. It contains (i) a Tamil translation of a speech made by Bryan of America attacking British administration; (ii) Mr.Morley's Budget speech. The object, of course, of the book is to show that English, administration is a failure, and that the money of the country is going out of it to England, and that any form of government is better than the existing one and that even Mr.Morley has no intention of keeping faith with the Queen's Proclamation; (iii) Life Work of Bryan; (iv) Life of Mr.Morley. The ignorant Hindu reader imagines that Bryan is qualified to criticise and that he is English instead of being what he is - an American demagogue and openly hostile to England. The first page of the contents of the book is instructive reading and likely to cause disloyalty."

'Russian rule better than English.'
'Death rate steadily rising under British Administration'
'Proclamation never carried out'
'Wealth of India drawn off to England and people starving, etc.,'

Nothing more of particular interest occurred in Tinnevelly during 1907, though from time to time small meetings and lectures by Chidambaram Pillai were reported.

6. On the 9th January 1908 one Subramania Siva appeared in Tinnevelly and gave a lecture on the importance of "swadeshi" enterprise. His speech was not of great moment. On the 12th he delivered another lecture in which he dwelt on the advantages of "swaraj", the necessity for national education and the advisability of getting the Arms Act repealed. He finished by advising

young men to practise physical training. On the 13th Subramania Siva moved on to Ambasamudram, thence to Kallidakurichi, Sivakasi, Srivilliputtur and Tenkasi, all important towns in the Tinnevelly district. At each place he delivered a "swadeshi" lecture. In the first week of February he arrived at Tuticorin and delivered four lectures in the week on boycott, etc., on the Beach Road. Among other things he condemned the mendicant policy adopted by the Indian National Congress and advocated physical education in preference to higher education. He was accompanied by a Bengali described as Chandra Varkar of Chittagong, about whom nothing is yet known. The latter did not speak. Subramania Siva, whose real name is B.Subramania Aiyar, is a mere nonentity. He is a native of the Madura district; he appeared two or three times for the Matriculation examination but failed and then applied for a post on Rs.10 or less in the police, but failed to obtain a certificate of physical fitness. He then embraced the life of a sanyasi, travelling from place to place and living on charity. During his stay in Tinnevelly he made the acquaintance of V.O.Chidambaram Pillai.

7. About this time some changes were reported in the management of the "Swadeshi" Steamship Company, one Gurunatha Aiyar, an ex-head-constable of Tinnevelly district, being given an appointment as cargo superintendent on Rs.60. This man is described as having been an able detective but a rogue. The District Superintendent dismissed him once but he was reinstated on appeal. The District Superintendent then received information that he had been preaching on "swadeshism" in Tanjore district and had been

distributing seditious pamphlets in Tinnevelly district. He could not, however, prove this and when Gurunatha Aiyar resigned, he accepted his resignation.

8. The lectures on the Tuticorin beach continued almost daily throughout February and the audience, which had numbered a few hundreds at first, on the 17th was estimated at a thousand. Subramania Siva and Chidambaram Pillai now openly joined hands, and on the 17th they publicly proposed that a sangam or association should be formed to administer "swaraj" in Tuticorin. Among other matters with which the association was to be concerned were the development of the "swadeshi" spirit, unanimity and courage, the organisation of "swadeshi" volunteers, the raising of funds and the remittance to Madras of some portions of them. An executive committee of 20 members, among whom were Chidambaram Pillai and Gurunatha Aiyar, was formed at the time. On the 19th Subramania Siva addressed an audience on "the Dangers arising from a Foreign Government and referred to and justified the assasination of the King and Crown-Prince of Portugal Chidambaram Pillai followed him urging every one to join the "swaraj sangam" and remarking that it was unnecessary to be afraid of Europeans. He said that as three millions of Indians died every year of starvation, it would be a good thing it they could agree to die atonce when the 50,000 Europeans in India would be no large number for them to deal with. All Indians should join together and earn happiness or die together in the struggle. The remarks of the District Magistrate on this report are appended:-

"The Divisional Magistrate tells me that no really respectable people have given in their names, and that few of those who have joined the executive committee are likely to serve.

"The meetings are at present conducted in a perfectly orderly manner.

"The vakils and respectable people hold aloof and the audience are composed for the most part of school boys and common people. The Parava community have not joined the movement (though later on they began to do so)

"The meetings have not as yet had any effect in creating or encouraging an offensive demeanour towards European

"Chidambaram Pillai's words, while seemingly intended to show that Europeans need not apprehend any violence, are certainly understood in some quarters as if they were a direct incentive to violence.

"there is no reason at present to suppose that his audience are likely to act on his carefully veiled incitements. On the other hand, arrest and prosecution would merely make martyrs of these two men. I am asking the District Superintendent of Police to try and get reliable information as to what the common people say amongst themselves regarding these speeches."

9. Meetings continued to be held daily at Tuticorin. On the 21st February Subramania Siva presided over a meeting and Chidambaram Pillai was also present. The gathering was about a thousand strong. Another meeting was held on the 22nd at which about 500 persons were present.

The speeches on those days were similar to those which had been delivered previously. On the 23rd a large meeting, at which 1,500 men were present, was presided over by Subramania Siva. He said that in order to obtain "swaraj" the Hindus should try their best to struggle against and put down oppression. Seventeen thousand fire-arms had been stol from Fort William, the Magistrate of Decca had been shot and the authorities had failed to detect these cases; he therefore asked what help the people of India could expect from the Government in such circumstances as these. He then went on to refer to the amount of money which was being taken out of India to England every year. In order to avoid this he advised the coolies to strike. He declared that the Russian revolution had benefited the people and that revolutions always brought good to the world. If the workmen struck work for three days European capitalists would be the worst sufferers. In Bengal people swore by Kali to boycott foreign goods and he asked his hearers not to be afraid of what took place in the riots of Mymensingh, Jamalpore and Comilla. He said that it was a religious maxim that nothing could be accomplished without bloodshed. Japan was prepared to sacrific 20 thousand lives to win a victory over Russia, Consequently, if 5 crores of Indians sacrificed themselves, "swaraj" would then be theirs. If all Indians, whether strong or weak, came forward as strong men, the foreign Government would collapse and "swaraj" would be attained. After Subramania Siva had finished Chidambaram Pillai got up and said that if all Indians united the Europeans would leave India of their

own accord. They should boycott foreign goods and refrain from spending their money in Law Courts. He further said that there were under 50,000 Europeans in India and that it would not be a difficult thing to drive them away by force though force might not be necessary. If Indians were determined to boycott foreign goods, Europeans would leave India of their own accord and India would be for the Indians.

10. On the 24th Subramania Siva presided over another meeting, at which Chidambaram Pillai was also present. The Speeches were similar in tone to those previously delivered. Other speeches were delivered by the same persons on the 25th and 26th of February. In his speech on the 26th Subramania Siva referred to the deportation of Lala Lajpat Rai and Ajit Singh who, he said, had been deported for taking up the cause of their brethren, who were unjustly taxed and otherwise ill-treated. The speaker then referred to the death of Sir Denizil Ibbetson and Lady Curzon and to the resignation of Sir Bampfylde Fuller as events which showed that God was working for the people of India. He then went on to say that the success of any enterprise rested with the labourers. If the coolies stood out for extra wages European mills in India would cease to exist. There were two ways of injuring the mill-owners; one was by doing mischief to machinery and the other by going on strike. He declared that he wished them to adopt the second course. Chidambaram Pillai then exhorted all the mill coolies who were present to adopt both courses. The audience at the close of the meeting is said to have numbered 3,000.

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11. As a direct result of these speeches 200 operatives of the Coral Cotton Mills in Tuticorin struck work and, in consequence, the mill was closed. The Divisional Magistrate, Tuticorin, reported the fact to the District Magistrate and asked for police reinforcements. The District Magistrate thereupon sent two officers and 20 constables from Tinnevelly to Tuticorin and wired that if the strikers had no ostensible grievance it might be advisable to take action against Chidambaram Pillai and Subramania Siva under section 144 of the Criminal Procedure Code. Meanwhile the Divisional Magistrate learned that a meeting was to be held on the evening of the 27th and at once issued a notice under section 144 to those two persons prohibiting them from holding meetings and the public generally from attending them. An additional force of 30 men from the Sivakasi reserve was drafted into Tuticorin on the 28th. On that day the District Magistrate himself arrived in Tuticorin and found the town quiet. Before the arrival of the police some stones had been thrown at the Coral Mill and the hydrants were found to have been tampered with. The District Magistrate was also informed that on the 28th morning stones were thrown at certain Europeans while they were riding along the road, and he was told by a merchant that intimidation was being resorted to in order to compel people to ship goods by the "Swadeshi" steamer in preference to the B.I.vessel.

12. Two more meetings were held on the 28th evening, one on the beach and the other at a private house. In the notice convening the meeting at the private house it was said that all officials would be excluded because they

are persons who would be likely to cause a breach of the peace. As the places at which these meetings were held were not covered by the prohibitory order issued by the Divisional Magistrate they were allowed to be held. The speeches were inflammatory in tone. At the meeting at the private house Chidambaram Pillai gave a garbled version of an interview which he had had with the District Magistrate, and he also encouraged the operatives to continue the strike, promising them that they would be fed by private individuals who had agreed to subscribe for the purpose. The meeting passed off in an orderly manner and no disturbance occurred on the night of the 28th. In these circumstances the District Magistrate considered that it would be advisable to withdraw the order under section 144 at once which was done on the 29th.

13. On the 29th February the District Magistrate held a meeting of about 30 of the principal Indians and Europeans in the place. He tried to impress upon them the danger which might arise from the fact that over a thousand operatives had been suddenly thrown out of work, especially if they were led away by the encouraging language of platform orators who did not always weigh their words with sufficient regard to the effect which they were likely to produce on the minds of their hearers. He also told them why he had thought it necessary to direct the issue of the order under section 144 of the Criminal Procedure Code, and gave his reasons for subsequently withdrawing it. He then invited those present to co-operate with him in preserving the public tranquillity. Both parties were invited to give

their views on the situation and the District Magistrate warned them that if any one made speeches which had the effect of setting class against class he would not be protected by the plea that he had no intention of doing so.

14. On the 1st March a large meeting at which about 2,000 attended was again held on the beach and one Padmanabha Aiyangar was the first speaker. He took up the subject of Government officials and said that it was unnecessary for the public to be servile to them. Government officials, he argued, are servants of the general public servant means menial and therefore Government officials are menials and no respect need be shown them. Subramania Siva next spoke. He began a harangue against Government servants and said that the people of India wanted a republic, and did not wish the present Government to continue, because it did not fulfil the purpose for which it was appointed. He declared that they were not afraid even if the police aimed at them or even if cannons were fired, because they had the good of their mother-land at heart. He urged the boycott of every one who did not join the "Swadeshi" movement. Chidambaram Pillai was present but did not speak. The crowd was very noisy while dispersing and went past the English Church where service was being held shouting Bande Mataram in spite of the protests of the police.

15. Another meeting was held on the 3rd March at which about 3,000 people attended. Subramania Siva spoke on boycott and in the middle of his speech Chidambaram Pillai arrived. He was greeted with shouts of Bande Mataram and the whole crowd stood up in the honour. He told them to sit down lest Government officials who were trying to find fault with them might take this as an offence. He then delivered a long speech on "Swaraj". He asked how many of his audience wished to have foreign Raj instead of "Swaraj" He declared that they need be afraid of nothing. They were doing nothing wrong or illegal. He asserted that he did not care if three or

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four thousand people were shot out of 35 thousands as it would settle everything. During the past 100 years several cases had been brought against Europeans but no case had ended in a proper conviction. Though Europeans had been tried for murder and other grave offences they were punished by only simple imprisonment or fine or some such slight penalty. He and Subramania Siva were ready to be shot it that was their fate. Men must die and they did not care how they died. He then went on to speak of the Europeans in Tuticorin, one of whom, he said, was worse than his scavenger. Another he referred to us a dog and a cheat. If Europeans thought that they could not get on with the Tuticorin public they could go away to some other place, If he was stopped from speaking others would come forward one after another. He wished to know why the money of Indians was mis-spent in paying for secret police. "Let a thousand police officers come", he declared, "we will sleep without fear." A great part of his speech consisted in abusing the Europeans who were in Tuticorin.

16. On the 4th morning another meeting was held on the beach at which about 2,000 were present Subramania Siva first addressed the meeting. As it was Ash Wednesday he advised his audience to be orderly. His speech was mainly on boycott and passive resistance. He declared that he did not preach sedition but said that he was not afraid if he were called a sedition monger. There was no such thing as fear in the Sastras. They must try their best to obtain "Swaraj"; if they did not, their race would become extinct. Chidambaram Pillai then spoke. He confined

his attention mainly to "Swadeshi" and the means of capturing the cotton trade. He advised the people not to commit offences in order that there might be need for the police or the magistracy and the civil courts. If they acted in this way for one year it would show the authorities that these institutions were not wanted.

17. Another large meeting was held on the 5th of March at which 3,000 peoples attended. Subramania Siva was the main speaker. He told his audience always to think of"Swaraj" and not that they were under "Pararaj" (rule of foreigners). He said that the strike of the Coral Mills was known throughout India but he declared that his speech was not the cause of it the cause was that the workers were ill-treated. The Europeans misrepresented matters to the officials who sided with them and did what they desired. He then talked of the imprisonment of Bipin Chandra Pal and said that when he came out of jail on the 9th March a large meeting must be held to celebrate the occasion. The "lion of Swaraj" would on that day be released and they would cast off their bonds and hoist the flag of "Swaraj". They would make Tuticorin a Barisal where the Sedition Act is in force. If the Sedition Act came into force in Tuticorin they would go away to Tinnevelly. He had heard that 250 mill hands had struck work in Madura. Why should they not be allowed to assemble in their own motherland ? If he was ordered not to preach publicly, he would hold meetings in a private building from which all officials would be excluded. They were not prepared for war but they were ready for passive resistance. They would make all Karnams and Village Munsifs resign. The Government

should look after the prosperity of the people and not rob and ruin them. If any other Government who have the good of the people at heart came to their rescue they would not subject themselves to the present Government. He then read a letter which he had received in which the people were advised to look to their prosperity and to send away Europeans who had sucked their blood.

18. On the 6th another large meeting was held on the beach in Tuticorin at which over 3,000 assembled. Subramania Siva said that even if his speeches were condemned by Government he would never desist from delivering them. He had been advised to be a moderate, but he was not going to think one thing at heart and say another. After Padmanabha Aiyangar had spoken, Subramania Siva delivered a second harangue. He referred to the strike of the coolies by which the latter had obtained a rise of 50 per cent in their wages. They had braved Europeans and gained a victory. It was a proud day for him and for them. He then spoke of the procession in honour of the release of Bipin Chandra Pal and exhorted every one to hoist "Swaraj" flags on their houses. He wanted them to gather in thousands in the procession and to boycott every thing European. He told them to consider how their ancestors lived and fought and bore arms, and said if they only thought of this they would get "Swaraj" in a minute.

19. On the 7th another large meeting was held near the barbers' quarters in Tuticorin. Subramania Siva was again the first speaker. The speech was confined to "Swaraj". He said that no one could find fault with the

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philosophy of man's rights of "Swaraj" and that no Government could say that this was sedition. They all wished to obtain "Swaraj" and would not be slaves for ever. He did not know the laws of the Government of foreigners. He know only the divine law before which human law is but a straw. He did not ask his bearers to go outside the existing Government law. He only wished them to act in accordance with the laws of "Swaraj". Passive resistance was no offence. Some of his Hindu brethren did not wish to have "Swaraj" and the mention of the flag of Swaraj was offensive to them. Let those Hindus, he said, remain slaves. Chidambaram Pillai then spoke. He also referred to the release of Bipin Chandra Pal. On that morning be proposed to bring out a newspaper called Swaraj. He said that there was a revolution coming on in India which was for their benefit so that if was necessary to have a paper to communicate in Tamil what transpires all over India. In the procession he advised them all to go without sticks. If anything went wrong they must be the injured party and not the offending party. All who wished to have "Swaraj" should write the word on their walls or plant a flag on their houses. Every one who was against "Swadeshism" should be boycotted. "Swadeshi", boycott and avoiding of the law courts were the weapons to attain "Swaraj".

20. The general tone of these speeches was calculated to instil into the minds of the people possibilities of becoming independent of foreign Government as they call it. The result was to create a very critical state of feeling in Tuticorin against Europeans generally and the classes who

are well-disposed towards the Government. The District Magistrate endeavoured to enlist the co-operation and support of the more responsible and moderate members of the "Swadeshi" party and the leading inhabitants but in Tuticorin his efforts did not meet with much success. One loyal vakil who had the courage to get up and say that he thought the District Magistrate was right in strengthening the Police was misrepresented and boycotted. The Swadeshi party did not appear to have exercised any moderating influence and the loyalists seem to have been too apprehensive of personal annoyance or injury to take any active steps. On the 6th March, the Public Prosecutor, who is one of the Directors of the "Swadeshi" Company, and the Hon'ble Mr.Guruswami Aiyar, who is the nominal legal adviser of the company, were asked to use their influence to stop the movement which naturally appeared to be engineered largely in the interests of the company. If they had come forward the previous week something might, perhaps, have been done. As it was their efforts made on the evening of 7th and morning of 8th March were too late. Under no circumstances could the District Magistrate permit the procession on the 9th to celebrate the advent of "Swaraj" and plant its flag.

21. On the 8th he accordingly issued notices under section 144 of the Criminal Procedure Code to Chidambaram Pillai and Subramania Siva prohibiting them from holding any procession on the 9th and to the public generally from attending any such processions in Tuticorin. On the evening of the same day he caused notices to be served on these two persons and on Padmanabha Aiyangar, another

speaker, under section 112 calling upon them to appear before him in Tinnevelly on the 9th to show cause why they should not be bound over under section 108 to be of good behaviour.

22. A largely attended meeting was held on the evening of the 8th at which these notices were discussed. The general drift of the speeches was that the notices were illegal and that the speakers could easily obtain the security required and return in a day or two. It is reported that Chidambaram Pillai seemed to have an extraordinary influence over the crowd which numbered nearly 4,000. The crowd was very noisy in dispersing.

23. On the morning of the 9th another large crowd assembled at the Railway station when Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar left for Tinnevelly. No disturbance occurred and Tuticorin became practically quiet. The District Magistrate returned to Tinnevelly on the 9th. At 10 A.M. on that day the three individuals above mentioned appeared before him in Court, to show cause why they should not be bound over under section 108 of the Criminal Procedure Code. After preliminaries the case was adjourned until 4-30 P.M. when an application was made for adjournment for one month to admit of an application to the High Court for the transfer of the case from the District Magistrate's file. The petitioners were asked what security they were prepared to offer that they would not during the adjourment repeat the conduct complained of, and the District Magistrate suggested that they should enter into bonds to be of good behaviour as required by him. They declined to do so. Evidence was then recorded.

24. On the same evening after leaving Court these three agitators took a prominent part in the proceedings arranged by the supporters of the "Swadeshi" movement in Tinnevelly in honour of the release of Bipin Chandra Pal. Subramania Siva and Chidambaram Pillai made speeches, that of the former being quite as inflammatory as those previously delivered in Tuticorin. The meeting was held in the bed of the Tambrapurni river. So much noise was made that the Sessions Judge sent warn the District Magistrate who was dining in Palamcottah 2 1/2 miles away. He turned out the reserve, but by the time they arrived the crowd had dispersed.

25. On the 10th morning Subramania Siva, Chidambaram Pillai and Padmanabha Aiyangar went down to Tuticorin and between 10 and 11 o'clock organised a procession in that town in honour of Bipin Chandra Pal. This procession was the one which had been prohibited the previous day. At the railway station a large crowd had collected to receive these three persons and a disturbance very nearly occurred. A party of the reserve Police had to be sent for and order was restored with the co-operation of Chidambaram Pillai. The three agitators returned to Tinnevelly in time to appear before the District Magistrate on the afternoon of the 10th. The case was adjourned in order to procure some important evidence from Tuticorin.

26. On Wednesday the 11th the hearing was proceeded with and a considerable body of evidence relating to the inflamatory speeches was recorded. On Thursday morning the Superintendent of Police laid before the District Magistrate information regarding the events which had taken place at Tuticorin on Tuesday the 10th. Reports had

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also been received of the speeches made on Monday night in the river bed in Tinnevelly and of the demonstrations which had been held in the same place each evening on the rising of the Court. The District Magistrate then determined to proceed under section 107, Criminal Procedure Code, as it was obvious that a breach of the peace or a serious riot might occur at any moment. The parties were present in Court and notices were served upon them. They did not admit the truth of the information and the District Magistrate proceeded to record evidence. An application was again made for an adjournment to move the High Court and security was offered under protest which the District Magistrate declined to accept. After recording a certain amount of evidence the further hearing was adjourned until the 1st April to enable the parties to move the High Court as prayed for and the three agitators were remanded to custody. They then offered to give the security demanded under section 107 and said that they did not want to show cause. Being uncertain whether such security could legally be accepted the District Magistrate deferred passing orders on the application and removed the prisoners to the District Jail. A large crowd had collected outside the Court and considerable demonstrations were made. Application was at once made to the Sessions Court to admit the parties to bail and a large mass meeting was held on the river bed.

27. Meanwhile at Tuticorin speeches were delivered by various people on the 11th and on the same day the Municipal sweepers struck work in a body. Many jutka drivers also refused to work even for "anti Swadeshi" natives. On the 12th all the private sweepers struck work. The Joint

Magistrate called on two of the speakers to show cause why they should not be bound over. One absconded but the other appeared and was eventually bound over to be of good behaviour for a year. On the 13th the Divisional Magistrate at Tuticorin reported that one Gurunatha Aiyar mentioned in paragraph 10 above, who was now Chidambaram Pillai's chief assistant, had declared that all bazaars should be closed on the 13th morning. The shops in Tuticorin were accordingly closed as threatened.

28. In Tinnevelly it was not anticipated that there would be any disturbance, as it was understood that at the meeting held there on the evening of the 12th, it was resolved to procure the release of the three persons under remand before anything else was done. Shortly before 11 o' clock on the 13th however it was reported to the District Magistrate that a crowd was collecting in the bazaars near the Railway station and that the shops were being closed. Shortly afterwards the District Superintendent of Police joined the District Magistrate and the reserve which was stationed 2 miles away at Palamcottah was called for. Information was then brought that the crowd was becoming unruly, breaking lamps, and throwing stones at the office of Messrs.Parry & Co. in which the Agent of this firm and the Principal of the Hindu College had been obliged to take refuge. The assault on these two Europeans was entirely unprovoked.

29. Some little time elapsed before the Palamcottah reserve arrived. Meanwhile the Assistant Superintendent of Police, the Taluk Magistrate and the Sub Magistrate and a few ordinary constables that they had been able to collect

were endeavouring to restore order. On the arrival of an advance party of about 15 of the reserve, the District Magistrate and the District Superintendent of Police and the Deputy Magistrate proceeded towards Tinnevelly which is 1 1/2 miles distant whither the mob had betaken themselves to close the bazaars there. They very soon got completely out of hand and set fire to the Municipal office, and the kerosine oil stores and attacked the Post and Telegraph Office and the Police station where there was only a sentry on guard. This man shot one of the crowd through the hand and leg and also fired at and probably wounded two others. He was, however, driven out of the station. On the arrival of the District Magistrate the main street was found crowded and as the party advanced the mob separated up side streets and on the verandahs of houses and then closed in on the rear shouting Bande Mataram and assuming a very threatening attitude. A larger mob continued to retire slowly in front of the District Magistrate and there were crowds in the side streets on either flank. The District Magistrate thereupon decided to endeavour first to disperse the crowd in the rear. The mob however collected again immediately and seeing the police face about those in front surged forward and began to throw stones from all directions. The District Magistrate then gave the order to fire. Two or three shots were fired over the head of the crowd as a warning and afterwards a round of buck shot was used without effect. A few shots with ball were then fired by which one man was killed. This cleared the crowd in the rear and stopped the crowd in front.

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Shortly afterwards a reinforcement of 10 more of the reserve arrived. The District Magistrate now resumed his advance with 15 men in front and a rear guard of 10 men at about 50 paces. The crowd however continued to retreat showly in front and to threaten the rear. Stones were thrown continuously. On arrival at the post office the District Magistrate found the verandah in front burnt. The police station as well as the Municipal Office were also found in flames. At this place the mob attacked the party in both front and rear while stones were freely thrown from compounds of houses on the flanks. It was therefore necessary to fire again and two or three more persons were killed or badly wounded. The District Superintendent of Police succeeded in making some arrests from among a gang who were intent on setting fire to the dispensary opposite the police station. After that there was no more trouble. The District Magistrate marched round the main streets and returned to his house. Fortunately in Palamcottah there was no disturbance.

30. The damage done by the rioters was very considerable the Municipal Office was entirely destroyed and all the records and furniture were burnt. Only two wing rooms, in one of which the cash chest was kept, were saved but a sum of about 200 rupees which was in a table was taken away by the mob. Almost all the street lanterns were destroyed. The mob also attacked the District Munsif's Court while the District Munsif was hearing cases. He was forced to close his Court, but the mob forced open the doors and did a considerable amount of damage to the

furniture and library books. They also set fire to the building which, however, the District Munsif managed to quench.

31. In the afternoon of the same day the District Magistrate completed the arrangements for the preservation of order in the bazaars and since then no further disturbance has been reported from Tinnevelly.

32. It has already been mentioned that in Tuticorin meetings had been held daily sympathising with the three agitators on whom notices had been served by the District Magistrate. On the 13th morning the workmen employed by Messrs Best & Co. struck work as a protest against the imprisonment of the three agitators. Large and threatening crowds began to collect in the streets. Bazaars were closed and all the butchers went on strike. The Deputy Superintendent of Police thereupon marched through the main bazaar street and arrested several persons who refused to disperse. Some stones were thrown at him.

33. In the afternoon the Joint Magistrate issued an order prohibiting all meetings in the town for the next week. At about 5 P.M. on coming out of Court, the Joint Magistrate noticed that the streets were strangely quiet and suspected atonce that a meeting was being held in defiance of his orders. He sent to make inquiries and received information that a large gathering had assembled in Melur, a suburb of Tuticorin. The Sub-divisional Magistrate accordingly marched to that place with 20 reserve constables. He found two or three thousand men listening to a lecture delivered by some one who could not be recognised. This meeting was held in violation of

the order prohibiting such meetings issued by the sub-divisional Magistrate. Accordingly attempts were made to disperse the crowd which thereupon began to throw stones. Several arrests were made but the crowd on getting out of the enclosure in which the meeting was held continued to throw stones at the police from the roads and from the tops of houses. The mob was called upon to desist and warned that the police would fire if they would not do so. The warning had no effect and after a shot had been fired in the air as a further warning, the Divisional Magistrate ordered a round of buck shot to be fired, and charged the mob. Although this scattered the crowd to some extent stones continued to be thrown from all sides, most of the party with the Sub-divisional Magistrate being hit. The Deputy Superintendent was knocked down by a large stone thrown at him from a roof. As the party retired firing was heard behind them. So they again advanced and fired three or four rounds at the mob. What damage was done could not be accurately ascertained as it was by this time dark. A Sub-Inspector of Police, who had been separated from the party was badly injured and his revolver and five rounds of aammunition were taken away from him. He was rescued by the reserve. After returning to the police station the Sub-divisional Magistrate had again to proceed to the help of the Inspector of Police who was be seiged in a mosque. There was again obstinate resistance from the crowd and it was necessary to fire on it again. The Sub-Magistrate also was threatened and was escorted to a place of safety. After this no further rioting has been reported from Tuticorin. Gurunatha Aiyar, Chidambaram Pillai's chief henchman whether under the orders or with the connivance of Chidambaram Pillai it is hard to prove organised the closing of bazaars in Tuticorin and Tinnevelly and he attempted to do so in Palamcottah. The step from this to actual rioting was a very short one and the consequence inevitable. On the morning of the 14th Gurunatha Aiyar returned from Tuticorin to Tinnevelly and was there arrested.

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34. As the state of affairs in Tinnevelly and Tuticorin necessitated the adoption of severe measures, the Madras Government considered it advisable to impose a punitive police force on the places which were mainly concerned in the riot. A proclamation was accordingly issued imposing a force of 302 additional police, including officers and men, on Tinnevelly, Tachanallur, a suburb of Tinnevelly, and Tuticorin. On the representation of the District Magistrate and after consultation with their legal advisers, this Government also sanctioned the prosecution of Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar for offences falling under sections 124A, 153A and 505 of the Indian Penal Code. Complaints have been laid against the first two and these cases are at present under trial. The case against the third is under investigation. Numerous arrests have been made of those concerned in the rioting and special arrangements have been ordered for the hearing of these cases. Action has also been taken by the District Officers against the leading instigators to riot under the preventive sections of the Criminal Procedure Code. The progress of the prosecution for sedition mentioned above will be communicated to the Government of India as soon as information is received.

35. There is no doubt that the outbreak in Tinnevelly has been due almost solely to political causes. At first it would seem that a certain amount of ill-feeling arose owing to commercial competition between the Swadeshi Steam Navigation Company and the British India Steam Navigation Company. Such commercial competition has however not been

confined to Tuticorin, but has existed in practically every commercial centre in the Presidency. This competition, more over, when waged on purely commercial lines, has never been the cause of an outbreak such as recently happened in the Tinnevelly district. In almost all the larger commercial centres the native community has managed without disturbance of any kind to oust to a great extent the commercial monopoly which used formerly to be enjoyed by Europeans. It is only when politics have been introduced as an aid to "Swadeshi" that there has been any actual disturbance. It will be noted from the summary of the various speeches delivered by the agitators in Tuticorin that "Swadeshi" has been adopted merely as a device for preaching boycott and "swaraj". By "swaraj" is not meant a self-government such as exists in the Colonies but the expulsion of Europeans of foreigners from the country. It is certain that if politics had not been introduced in the speeches there would have been no outbreak. It is also very probable that these speeches were part of a regular scheme engineered by an association in Madras, the object of which is to send political preachers into the mufassal in order to spread the doctrines which have recently been promulgated. As mentioned in the beginning of this letter the campaign was started nearly two years ago by one of the leading agitators in the Presidency and since then there has been a continuous campaign of sedition preached throughout the Tinnevelly district. The fact that a Swadeshi Company was started at Tuticorin served merely as a cloak under which these sedition mongers were enabled to preach their tenets.

It is very necessary therefore that such preaching should be stopped with a firm hand and it was these considerations which led His Excellency in Council to sanction the proceedings against the three leading agitator. It is very difficult to prove the connection of the leaders among the people with breaches against authority, but it is significant that, in spite of the attempts of the District Magistrate for more than a fortnight before the riots to get the leading people in Tinnevelly and Tuticorin to co-operative with him, no help of any substantial nature was given by them. There seems little doubt that the anti-European feeling which has been set in motion by a few seditious preachers, has induced the great bulk of vakils, merchants, school masters and students either to sympathise passively with the agitators or to encourage them from behind the scenes, while the few who are thoroughly loyal are afraid to proclaim themselves on the side of Government or to offer any effective opposition for fear of the harm which they know for a certainty will be inflicted on them in person, reputation or property by the nationalists and the bad characters who follow their lead.

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G.O.No.1542, Judicial, dt.3rd October 1911.

Secret C.I.D.Madras

History of V.O.Chidambaram Pillai

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V.O.Chidambaram Pillai was born in Ottapidaram, Tinnevelly district, in 1873. His father Loganathan Pillai was a private Vakil and petty landholder and still lives there. Chidambaram Pillai was educated at St.Francis Xavier's School, Tuticorin, passed the Matriculation and Pleadership examination, and in 1896 started criminal practice at Ottapidaram. In 1900 he moved to Tuticorin and continued to practise there. He has been married twice. His first wife died in 1901. The second wife Meenátchiamma, is now living in Tuticorin with a Brahman woman. Her affairs are being managed by one T.S.Nelliappa Pillai, who was employed as a gumastah by Chidambaram. Soon after the death of his first wife, Chidambaram Pillai started a Tamil Monthly called Viveka Banu in collaboration with Swami Vallinayakam. The paper, which dealt with social reform, did not last long, but was revived in 1903 by Kandaswami Kavirayar of Madura who still publishes it.

Chidambaram Pillai was closely connected with the Tuticorin Swadeshi Steam Navigation Company from its foundation in 1906, though his dissolute habits are said to have made some of the well wishers of the company anxious to get rid of him, and to have prevented at least one wealthy and influential merchant of Tuticorin from helping it in any way.

The first signs of Swadeshi enterprise in shipping business in Tuticorin were in April 1906, when it was reported that some merchants were making arrangements to run steamers to and from Colombo, and on the 25th July

Chidambaram Pillai, speaking at a meeting at Shiyali in the Tanjore district, begged for subscriptions to enable a Swadeshi steamer to be started.

On the 29th September, Chidambaram Pillai arrived at Madura and delivered two lectures on Swadeshism. He defined Bande Mataram as meaning "I prostrate myself to my mother land" and Swadeshism, "the development of Indian industries by Indians". He appealed for subscriptions to the Deepavali day collections on behalf of the Madras National Fund. He adversely criticised the action of a local schoolmaster in having punished boys for shouting Bande Mataram and urged the boys to continue the cry. The chairman at these two meetings was Pandit Duraiswami Thevar, who was subsequently the President of the Swadeshi Steam Navigation Company.

Chidambaram Pillai delivered another lecture in Madura on the 12th October and repeated the sentiments expressed at the former meetings.

It is probable that his chief business in Madura was in connection with the Steamship Company, for on the 16th October a company was registered under the name of "The Swadeshi Steam Navigation Company, Limited", with a capital of ten lakhs divided into 40,000 shares of Rs.25 each. The President and Officiating Secretary was P.Pandit Duraiswami Thevar and the Assistant Secretary was Chidambaram Pillai.

Soon after the registration of the Company, Chidambaram Pillai appears to have gone to Bombay to arrange for the purchase of two steamers, one of which, the Gallia, arrived in Tuticorin on the 16th April 1907, and the second, the Lawce, on the 11th June. In January 1907 he opened an agency of the company in Madras, one W.Srinivasan being appointed chief agent.

On the 17th March, Chidambaram Pillai was at a meeting on the Madras Beach at which G.Subramania Aiyar, B.A., presided. About one thousand people were present and throughout the meeting there were shouts of Bande Mataram by members of the Bala Bharat Sangam. Speaking in Tamil, Chidambaram Pillai said that Lord Curzon who wished evil to India had, by the partition of Bengal, brought evil on himself, and that for the people of India, good had come out of evil as they had become more united and the Swadeshi spirit had worked very well. Boycott should accompany Swadeshism, and if, both were rigorously pursued, Swaraj would be the inevitable result. The British had obtained possession of the country by setting Indian princes against each other and Indians should now unite and practise boycott in all branches of life, and the British would leave the administration in their hands and return home.

At the end of March 1907, Chidambaram Pillai visited Cuddalore lecturing and collecting money for his company. He is reported to have alluded to the English as Chandalans, i.e., despicable sinners, to have said that, before the arrival of the British, Muhammadans and Hindu were united, and that the time was now ripe for them to rise and drive out the British. He said that only low paid appointments were given to Indians, and if necessity arose, those who held these appointments would join their countrymen. On the 31st March he returned to Tuticorin and announced that two steamers had been purchased and would arrive about the middle of April. On the 2nd April he lectured in Tuticorin on Swadeshi matters and impressed on his hearers

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the advantages to be obtained by taking shares in the steamship company.

On the 4th April he left for Bombay, returning on the 16th idem on board the Gallia.

On the 28th May he lectured in Tuticorin on "Swadeshism and Boycott" dwelling Vehemently on the poverty of India, urging the encouragement of Swadeshi goods and deprecating litigation.

In July he was in Colombo, but returned sometime about the middle of the month, and with Pandi Duraiswami Thevar invited G.Subramania Aiyar, B.A., who was at Courtallam, to visit Tuticorin.

He again visited Colombo to collect instalments due on shares. About this time, there appears to have been some friction between him and some of the directors over the accounts relating to the expenditure of about a lakh in connection with the floating of the Company.

G.Subramania Aiyar did not accept the invitation to Tuticorin, but on the 15th August Chidambaram Pillai attended one of his meetings at Virudupatti and begged for subscriptions to the steamship company.

On the 30th August, Chidambaram Pillai and S.D.Krishna Aiyangar, also of the steamship company, arrived at Salem on a begging tour. They were garlanded at the station by some merchants. Krishna Aiyangar stayed with C.Vijaraghava Chari, while Chidambaram Pillai stayed at a mutt. The same evening Chidambaram Pillai spoke at a meeting held in Shevapet and explained the working of the company. Among those present, were C.Vijiaraghava Chari, Alagappa Chetti, B.V.Narasimha Aiyar, Ranganayakulu Aiyar, Nanjunda Aiyar and Tirumalai Aiyar. After canvassing for shares, Chidambaram Pillai and Krishna Aiyangar left for Tuticorin on the 4th September.

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In November, Chidambaram Pillai was appointed secretary to the company on a salary of Rs.150 a month, though some of the directors were anxious to get rid of him.

In December, he visited Madras and on the 6th presided at a Beach meeting convened by the Madras Extremists to elect delegates to the Surat Congress. The following resolutions were proposed and carried:-

I

"That the following gentlemen be returned as delegates to the ensuing Congress, viz., Messrs. G.Subramania Aiyar, K.Venkataramana Rao, V.O.Chidambaram Pillai, C.Subramania Bharati, S.T.Tirumalachariyar, P.S.Ramamurti, Ethiraja Surendranath Arya, C.Selvaraja Mudaliyar, M.R. Ramasesha Aiyar, V.Gopalachariyar, S.Tirumalachariyar, T.G.Sankaranarayana Aiyar, D.V.Hanumanta Rao, C.K.Vyasa Rao, V.Chakkarai Chetti, G.Annaji Rao, M.A., B.L., P. Narayana Murti, S.Rama Rao and about 30 others, both of the city and the mufassal."

II

"That this meeting deems it necessary to revise the tentative rules relating to a constitution for the Congress passed at the last session."

III

"That this meeting is of opinion that indigenous institutions of public instruction working on national lines and under national control should be established, and urges the Congress to strongly recommend the organisation of national councils of education all over the country as has been done in Bengal".

IV.

"That this meeting is of opinion that the Swadeshi and Boycott movements inaugurated in Bengal are calculated to further the industrial regeneration of the people, and therefore urges upon the Congress the expediency of its recommending the extension of the movements all over the country".

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V

"That in view of the immense troubles and losses consequent upon litigation in the legal courts of this country, this meeting requests the Congress to recommend the establishment of arbitration courts all over the country.

VI

"That a committee consisting of Messrs.K.Venkataramana Rao, C.Subramania Bharati, V.O.Chidambaram Pillai, C.Selvaraja Mudaliyar and Chakkrai Chetti be appointed and authorized to press these resolutions at the next Congress".

The last resolution was moved by the Chairman himself, when there was a cry from some of the audience to include the name of G.Subramania Aiyar also in the list. Subramania Bharati then stood up and urged the desirability of eliminating G.Subramania Aiyar from the list of Nationalists, because he (G.Subramania Aiyar) had said at a previous meeting that the natives of India could get and enjoy Swaraj only under the British rule.

Chidambaram Pillai, in his concluding speech, said that Swaraj could be achieved only by promoting national education and indigenous industries and establishing arbitration courts all over the country, and that the more these were encouraged, the less would be left for the British to do in India.

The following day Chidambaram Pillai was at a meeting on the South Beach and delivered a lecture in Tamil on Swadeshism with C.Subramania Bharati, editor of the Bala Bharata, in the chair. About a thousand persons, mostly students, were present. He criticised the policy

of the Moderates and applauded that of the Extremists. He remarked that crores of people were dying of famine in India; that the country was growing poorer owing to the neglect of her industries and the purchase of foreign goods; that any public criticism led to prosecutions and deportations; that to culminate the series of disasters the "Seditious Meetings Act" had been introduced; that this Act was a disadvantage to the rulers as they would not be in a position to know the real state of the mind of the subject race; that therefore, all distinctions of caste should be set aside, settlements of disputes made by panchayats and law courts avoided; that foreign goods should be strenously boycotted; and that the ancient industries should be revived and now ones started. He said, in conclusion, that only if these obligations were fulfilled by every Indian, could the ideal of Swaraj be attained, as all prayers and petitions, which the men of the old movement had been adopting, proved to be perfectly useless.

The chairman then rose and exhorted the audience to seriously reflect over the valuable advice given by the lecturer, and to cultivate that spirit of Swadeshism which is the means to Swaraj.

Another meeting in connection with the Congress was hold at the Gangaikondan Mantapam, Triplicane, on the 18th December. Some additional delegates were elected and some alterations made in the wording of the resolutions passed at the meeting of the 6th. The principal speakers were C. Subramania Bharathi, Ethiraj Surendranath Arya and K.Venkataramana Rao, Chidambaram Pillai seconded the following resolution:-

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"That this meeting appeals to the sense of generosity of Dr.Rash Behari Ghasee for his retiring in favour of Lala Lajpat Rai, but having regard to the letter of Lala in the Tribune it is thought desirable to defer to his sentiments."

On the following day, Chidambaram Pillai spoke at a meeting in the Triplicane Theatrical pandal and pointed out to the audience how the poverty of India was caused by the advent of an alion nation into India; how all the wealth of the country was drained by foreign traders and officials by their manufactures and pensions and how, though India had all she needed, her sons were dying every day of dire starvation and uneared for. He added that in the history of every nation there was ebb and flow, and so it was with Indians, and that the present was an opportunity to be availed of by them. He then exhorted the the audience at length, to encourage Swadeshi industries and manufactures, to boycott all foreign goods and to establish national schools all over the country, as Government education was useless and could not bring about the regeneration of India and the goal of Swaraj. Finally he took a vow from the audience that they would at any cost encourage /Swadeshism and boycott foreign goods, that they would set aside all differences of caste and creed for the common cause of the country and would not waste their money by resorting to Civil and Criminal Courts for justice, but would settle all disputes among themselves, and lastly, that they would start national schools for the education of young men in arts and industries, which would ultimately lead them to the goal of Swaraj.

On the 21st December he left for Surat with K.Venkata-ramana Rao, B.A., V.Chakkrai Chetti, B.A., B.L., S.Durai-sami Aiyar, M.A., B.L., C.Subramania Bharati, Ethiraj Surendranath Arya, N.K.Ramaswami Aiyar, B.A., B.L., and T.G.Sankaranarayana Aiyar.

The party travelled in a carriage labelled "Madras Nationalists" and there were loud cries of Bande Mataram as the train started.

Chidambaram Pillai's name was not mentioned in the reports of the Congress proceedings, nor does his return to Madras appear to have been noticed, but on the 11th January 1908, he attended a meeting at the Gangaikondan Mantapam, Triplicane, when the Chennai Jana Sangam was started with the idea of being similar in scope and object to the "National Fund and Industrial Association, Madras," but having for its special purpose the furtherance of "Nationalism" in the City by delivering lectures on Swadeshism and boycott, by founding a school for physical culture, a reading room and library and lastly, by training young men to preach on Swadeshism and boycott. Funds in aid of the Association were to be raised by house-to-house collections on festival days. There were about 60 persons present, most of them being students. The meeting was presided over by Varadaraja Sarma, formerly a Sanskrit Pandit of the Tanjore College.

Chidambaram Pillai in opening the proceedings of the meeting, explained the objects of the Sangam, and requested the audience to become members by paying a monthly subscription of not less than one anna. A subscription list was sent round, and about 25 students

signed their names therein with their addresses. The following were appointed to the managing committee for the time being with power to nominate the several office bearers among themselves:-

(1) V.O.Chidambaram Pillai
(2) V.Chakkarai Chetti, B.A., B.L.,
(3) C.Subramania Bharati
(4) Ethiraj Surendranath Arya
(5) K.Venkataramana Rao
(6) S.Srinivasa Chari, B.A., B.L., (Chairman of the meeting)
(7) Varadaraja Sarma

and a few others.

Chidambaram Pillai announced that "Swadeshi Graham" at No.87, Thulasingaperumal Kovil Street, Triplicane, would be the office of the Sangam and young men wishing to enlist themselves as volunteers to work for its cause might do so at any time during the day.

The next we hear of Chidambaram Pillai is that in the first week of February he attended, and took much interest in, the lectures delivered in Tuticorin by Subramania Siva with whom he was subsequently convicted.

On the 8th February, he was at one of these lectures and supported a resolution to send messages of condolence to the families of Leakat Hussain and Abdul Gaffur for their sufferings in the cause of India. He was also very intimate with a mysterious Bengali giving the name of C.S.Chandravarkar, who suddenly turned up at Tuticorin and as suddenly disappeared.

These meetings were held regularly till the 11th February and again on the 16th and 17th. On the 17th about 1,000 people attended, Subramania Siwa presided and Chidambaram Pillai proposed.

(1) The formation of an Association to be called the Tuticorin People's Sangam with a view to improve native industries and establish a school for the development of Swadeshi spirit, unanimity and courage;

(2) The organisation of Swadeshi volunteers

(3) The establishment of Courts of Justice

(4) The eligibility of those who boycott foreign articles and subscribe one anna per mensem for the Sangam to become members thereof;

(5) The raising of funds by public collections;

(6) The remittance of one tenth of the collections to the Madras Provincial Sangam (National Fund?);

(7) The formation of an executive staff to be composed of select members of the Sangam;

(8) The division of Tuticorin into four circles for the administration of Swaraj or self-government and the selection of qualified men for discharging the duties.

(9) The auditing of the accounts of the Sangam once in three months; and

(10) The formation of Sub-Sangams on similar lines in places other than Tuticorin.

The above propositions were carried unanimously with shouts of Vande Mataram, and an executive committee composed of Chidambaram Pillai, Gurunatha Aiyar, formerly a head constable of Police in the Tinnevelly district, and eighteen others was formed, subject to their consent.

On the 19th, there was another meeting at the same place, when more than 1,000 people were present. Subramania Siva addressed the audience on the "Dangers arising from a foreign Government." He observed that Government by a foreign nation could never be permanent and Swaraj or self-government alone could become so, quoting the United States and the Colonies as instances, made a reference to the assassination of the King and the

Crown Prince of Portugal justifying the same, because the people were forced to take that step on account of oppression, and concluded his speech by saying that India was for the Indians and not for foreigners. He promised he would deliver another lecture on the 21st.

Chidambaram Pillai then got up and in a vehement speech told the audience that the object of the Sangam he proposed to start should not be misconstrued. It was to be formed not with a view to deprive any person of his power, but with a view to improve the present condition of the people and to prevent them from wasting their money in the courts established by Government. He pointed out that only compoundable cases would come within the operation of the criminal courts intended to be established by the Sangam, and advised the people to become members of it and to avow boldly their membership as there was nothing objectionable or illegal in it. He then remarked that fear of Europeans was groundless and that, if the three millions of Indians who must die next year of starvation and famine only came to a determination to die at once, the 50,000 Europeans in India would be no large number for them. All the thirty-three millions in India should join together and earn happiness amicably and with unanimity or die all together in the struggle.

Meetings were held each evening from the 21st to the 24th, at all of which Chidambaram Pillai was present. At the meeting of the 22nd he urged his hearers to swear before Kali that they would boycott foreign goods. He

implored them not to go to the authorities for anything but to settle matters in their own Sangam, not to send their children for University education, but to give only primary education until Swadeshi schools were opened. He informed them that they would get Swaraj in six months or a year.

At a meeting on the 23rd, Chidambaram Pillai said that two thousand people struggled with the Russian Government for their privileges. If all Indians united, the Europeans would leave India of their own accord. They should boycott foreign goods. They should not go to courts and spend their money there. He further said that there were fifty thousand Europeans in India. It would not be a difficult thing to drive them away by force, but Indians should not use force. At the same time they need not be afraid of Europeans. If they met Europeans they need not wish them "Good morning". It was no duty of theirs. They could meet them face to face without any fear, as they could not do anything to them. They should not waste their holy mantram Bande Mataram by reciting it in the presence of Europeans. If Indians persistently boycotted foreign goods such as cloth, sugar and enamelled vessels they (Europeans) would leave the shores of India of their own accord, and India would be for the Indians. He exhorted the people to become members of the Sangam and to swear that they would not buy cloths, sugar and enamelled vessels of foreign make, and that they would not go to the Courts. The Sangam would appoint competent persons to visit them frequently and enquire about their welfare.

At the next day's meeting he said that, as he had received from England news which made him hope that Swaraj would soon be given them, he had decided to alter some of the rules of the Sangam and would read them out at some future date.

On the 25th Subramania Siva was the only speaker, Chidambaram Pillai merely announcing the date and place of the next meeting.

On the 26th Subramania Siva was the first speaker. Following him, Chidambaram Pillai said that certain people had come to him and said that they would do some mischief to traders who dealt with the British India Steam Navigation Company rather than with the Swadeshi Steam Navigation Company, but that he had dissuaded them. He exhorted all the mill coolies present to follow Siva's advice and go on strike and also damage the machinery, and said that he could arrange the stopping of the mill. The direct result of this was a strike in the Coral Mills, Tuticorin. Action was taken under section 144, Criminal Procedure Code, and further meetings stopped. On the afternoon of the 27th Chidambaram Pillai went to the usual meeting place, where large crowds had gathered, and announced that there would be no meeting, but that next day intimation would be given of where future meetings would be held.

On the 28th a meeting was held in the Dharma Sangam from which officials were excluded. Chidambaram Pillai said that he had spoken to the Divisional Magistrate and the District Magistrate. The latter asked him not to

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deliver speeches which were likely to do mischief, and he had replied that he was a lawyer and know what was seditious and what was not. He had informed the District Magistrate that the mill strike was not due to his interference but to the mill owners starving the coolies. He told the coolies that he had influence and friends all over India and that he hoped to start a Swadeshi mill for them in a few months. Meanwhile, he would get employment and food for them as the vakils had promised liberal subscriptions. The strike had given them another advantage as the merchants had promised to send their goods by the Swadeshi Company and in three months the Coral Mills and Madura Company would disappear. Foreigners ill treated them and had stopped their meetings unjustly and for no cause. Such a thing would not have happened during the reign of Indian Princes, Rajas and Nawabs. Swaraj alone would help them and gave them freedom of speech and action; for the attainment of Swaraj, unanimity was required.

The same day notices were circulated over the signature of one Shunmugam Sundaram Pillai. One referred to the stopping of the meetings and told the people that they need not be in the least afraid to assemble in public to discuss public matters. Another announced that there would be a meeting in the signatory's residence at which Subramania Siva and Chidambaram Pillai would speak on Swaraj and warned Government officials to keep away, or there might be a breach of the peace, and a third announced a lecture on the beach by one S.Padmanabha Aiyangar of Madras. Chidambaram Pillai attended this lecture and

at the close said that there would be a meeting that night in a private house and that he was arranging for meetings being held on a private site where over five thousand people might assemble.

The next day's meeting was held in the Mosque Pettai and the Police were excluded on the ground that it was a private place. Notes were however taken, but Chidambaram Pillai did not speak. The meeting on the 1st March was held on the beach, the order under section 144 having been withdrawn. Padmanabha Aiyangar and Subramania Siva spoke first and then Chidambaram Pillai introduced one Sivasubramania Pillai, who read some verses detailing the supposed advantages gained by the Swadeshi party on account of the order under section 144, Criminal Procedure Code.

The meeting on the 3rd March was also held on the beach and was attended by about 3,000 people. When Chidambaram Pillai arrived he was greeted with shouts of Bande-Mataram and the audience all stood up. He made a lengthy speech, in the course of which he announced that he was going to give up his post in the Swadeshi Steam Navigation Company and defend all persons against whom false cases were brought by the British India Steam Navigation Company. He and Subramania Siva were ready to be shot if it were their fate. He alleged that he had prevented the strikers from doing mischief and was misjudged. He indulged in promiscuous abuse of the Europeans of Tuticorin and urged his hearers never to trust a foreigner.

On the 4th Siva and Chidambaram Pillai again addressed a crowd on the beach.

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Though meetings were held on the 5th and 6th, Chidambaram Pillai does not appear to have been present at either. He spoke at one on the 7th at which Siva and Padmanabha Aiyangar also spoke. The following report was received of his speech:-

"BROTHERS, - As the day after tomorrow Bipin Chandra Pal, the patriot, is coming out of jail, I want to consult you as to what arrangements are to be made to celebrate the occasion. We should have a President. Shall we elect Subramania Siva who is a Paradesi ? (Sanyasi) (Cries of 'yes';) I want you to know something about the affairs of the town. Some officials who are Swadeshis are doing objectionable things in order to please their superiors or for reasons only known to themselves. It is my duty to inform you what obstacles are thrown in your way as you should know the true character and propensities of all who act against you. The Sub-Magistrate Mr.Diravia Nadar is sending for his brother Nadars and telling them, that if the Swadeshis got Swaraj, the Nadars would be asked to do mean things such as climbing palmyra trees, etc., Sankaralinga Nadar was attending the Swadeshi lecture on several occasions. The sub-Magistrate is trying to dissuade him from attending. Sankaralinga Nadar told me this, and I am prepared to swear to it. He told me three times, "If you get Swaraj, you will ask us to do menial things". The Sub-Magistrate is doing all this to please his superiors and to get promotion. Union does not mean that we should dine together and embrace each other. It will be several years after Swaraj is obtained before such

things take place. According to all religious books we should not have any religious prejudice. It is unfair on his (Sankaralinga's) part to put such questions. When we preach, Government servants take notes. Some people are afraid. So we have arranged to take our speeches in a Tamil shorthand which we have invented ourselves and speeches will be taken down accurately. When the notes taken by the official are produced in court, we will produce ours also. We will bring ten persons from Trichinopoly and other places to take notes. The day after tomorrow is a day of rejoicing in every place. I have received a telegram from Calcutta about celebrating that occasion. I want to know your desire - whether to celebrate it or not. (Yes; do so.) What can we do ? Some persons have proposed that Ganapathi Naigan, a Pandithar and Physician, should open an Ayurvedic Medical Hall to give medicine free. (Cries of 'We want such a Medical Hall.') The Medical Hall will be called 'Bipin Chandra Pall Swadeshi Vaidya Sala'. It is proposed to open a reading room to be styled 'Bipin Chandra Pal Swadeshi Vaidya Sala.'It is also proposed to bring out the Swaraj newspaper that morning. What is your opinion ? There is a revolution going on in India which is for our goods, so a paper is necessary to communicate what transpires all over India in Tamil (Cries of 'Yes') It is further proposed to take the photo of Bipin Chandra Pal round the town. I wanted to stop this, because the officials were much afraid and they would be annoyed. Subramania Siva agreed with me but the townsmen insist upon it. (Cries of it is very necessary.')

As all of you desire to have a procession, I want to warn you before hand that no one but the gymnasts should come out with sticks. Government servants are not hasty now. They were hasty when the strike commenced but not now. Will you come without sticks ? Not even a walking stick should be brought. If anything goes wrong, we must be the injured party and not the offending party. The new paper will be distributed through little boys. All those who wish to have it should write on their walls Swaraj or put up a flag Swaraj. I will print the word in large type and send it to you to affix to your walls. Others can put up Swaraj flags. I receive letters in Tamil every day about Swaraj. Some could be read and some could not be as the reading of such letters would be against law. We have already decided not to purchase foreign articles, such as cloths, sugar, enamelled vessels. If any one does so, we will arrange to boycott him in every way. Barbers, washermen, oil-mongers and vakils will shun him. Government has no authority to interfere, and if any official interferes, he will reap the consequences and be dealt with by his superiors. In Tuticorin whoever goes against Swadeshism will be boycotted totally. If any one to please Government or for other reasons goes against Swadeshism, he should be boycotted. Such resolutions we put forthout of love of the country. (The whole assembly said that anti-Swadeshis should be completely boycotted.) Officials are full slaves and vakils half slaves. And yet vakils have agreed not to appear for anti-Swadeshis. We must move harmoniously overlooking small faults of our brethren. We should not go to civil

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courts and criminal courts in compoundable cases. Swadeshism, boycott and avoiding courts, these are the weapons to gain Swaraj."

On Sunday, the 8th March, the District Magistrate, who was encamped at Tuticorin, issued orders under section 112, C.P.C., and summonses under section 114, C.P.C., to Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar calling upon them to appear before him at Tinnevelly and show cause why they should not execute bonds for their good behaviour under section 108, C.P.C. Another order under section 144, C.P.C., was also issued and promulgated, prohibiting a procession which was to be held on Monday in Tuticorin.

At about 6 P.M. after the above orders, etc., had been served, the three agitators marched in procession to the bandy stand or Mosque Pettai in Melur and held the usual meeting. About 4,000 persons attended. Chidambaram Pillai opened it.

He referred to the notice he had received and said he wished to consult the masses as to what was to be done. He said that friends had advised him to go away to Bombay as he might be arrested, but he had declined to deport himself and replied, "Let Government deport me"; that they asked him to stop tomorrow's procession, but he told them he must consult the masses and then give his reply.

He added: "Now Government officials have ordered that there should be no procession tomorrow for reasons best known to themselves: tomorrow there might be a death or marriage procession, then Government will order you

not to go in procession to bury the body but to bury it in your own house. This you will have to obey. We made arrangements to take in procession in an orderly manner the photo of Bipin Chandra Pal, yet the officials want us not to do so. . . . If the European officials give me a bond that, if I go away and close my connection with the Swadeshi Steam Navigation Company, they will not interfere with the said company, I will stop my preaching and close my connection with the Company. The directors were not able to guarantee this. If the general public tells me to go away or stop speaking, I will do so, but I will not listen to the minority. This noon an order was received prohibiting tomorrow's procession. . . . First we must decide whether to proceed with the procession or stop it. . . .Whether the order is right or wrong, my opinion is in favour of stopping it, as the order is according to law, and unless and until it is revoked, we cannot do anything and it can be stopped. Tomorrow Bipin Chandra Pal comes out and we wish to commemorate the occasion. Another order is received that I Subramania Siva, and Padmanabha Aiyangar should appear before the District Magistrate tomorrow at 10 A.M., so we are sorry we cannot remain with you. You can do it yourself or postpone it till my return. Tomorrow you can make the rejoinings in your own houses . . . The European officials have determined to trouble us unnecessarily by dragging us into a quarrel. . . . "

Five resolutions were then passed, the last being to defer the procession. He then exhorted the people not to do anything to officials, non-officials or others and

to show that they were law-abiding people, but remainded them of their oath to boycott, and asked them to do so without giving cause for complaint.

On the 9th the individuals proceeded to Tinnevelly and that evening they were present at a meeting in honour of Pal's release. A procession started from the Swami Sannadhi mandapam. The photo of Bipin Chandra Pal mounted in a big frame with inscriptions of "Bande Mataram" all round it was placed on an elephant and taken through the four car streets of the town, and thence to Viraraghavapuram and to Tai Pusam mandapam in the bed of the Tamparparani river. The procession consisted of about 500 people, mostly students and illiterate men. By the time the party reached the mandapam it was nearly 9 P.M. In the mandapam the photo was exhibited to the public view and was then placed in a conspicuous place. The student shouted Bande Mataram all through the procession. The procession was accompanied by a band and blue lights. The audience called for speeches from Siva and Chidambaram Pillai, and the latter began his address quoting "Tiruvalluvar" in Tamil, the purport being that a man, notwithstanding anything he does in the world, will only reap the fruit to which he is destined by reason of his actions in his former life. He called the attention of the audience to the fact that they were all there to celebrate the release of an honoured citizen of India, as great in his thoughts as he was already high in his actions. Next he commended to them the idea of establishing in India Swaraj meaning self-government. In this connection, he said that, ever since the day on

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which the English set their foot in India, the country was doomed and that the present administration as conducted by the British was not a good one as it placed the Indians at a great disadvantage. Every man must aim at Swaraj. He exhorted the people to unite, they being sons of the same another. He expounded the pith of Hindu philosophy, by explaining to them the object of the present life, viz, to realize truth and to free the soul from its present bondage. It was foolish to expect that an administration conducted by foreigners would be calculated to benefit natives, and he assured them that, so long as the Government was vested in the hands of the English, the country must necessarily suffer. He was very sorry to see India getting poorer every year, and pointed out that there were three ways to restore her to her original riches, viz., Swadeshism, Boycott and Industry. Then he took the audience back to the date when the English landed in this country to trade. To undo their work Indians should follow their methods, Every effort should be made to get the whole trade in the hands of Indians. Only if Swadeshism were practised, he said, would this be possible ? Granting that much, it followed as a natural consequence that Indians should boycott foreigners and their products. He added that there were some leaders - whom he choose to call pseudoo-patriots - who would advise the adoption of Swadeshism but not of boycott. He, at any rate, could not understand the logic of that. It was the same thing as saying "Speak the truth, but don't avoid lies", or "Practise virtue but do not give up vices." He said there was no use in talking in

two strains. For his part he preferred to be open and hold rather than to recommend two manifestly irreconcialable things at the same time. He regretted that every year 180 crores of rupees were sent away to a country 6,000 miles off, and said that under this enormous drain, the country naturally enough was growing was poorer and her people thinner. There was a Tamil saying to the effect that nothing in the world was of a permanent nature - What is high today must come low tomorrow and vice versa. It was in accordance with this that India whose greatness was once the topic of the world had been brought to so low. However it was now time for her to rise again. If Indians wished to see India rise in the scale of nations, they should take a vow standing in the bed of the sacred Tambraparani river to boycott foreign goods. He asked them to shout Bande Mataram in token of their having taken the vow.(The audience responded to this atonce.) He then said that 75 per cent, of the English in India were engaged in trade. If foreign goods were boycotted, these would lose their business and would be forced to go away. The remaining 25 per cent would also have to clear off as soon as the civil and criminal courts were properly boycotted. He characterised these courts as "cursed ones." He then said that all that was wanted in India was united action among the natives, regardless of caste and creed. He then referred to affairs at Tuticorin. The English there unreasonably suspected foul play on the part of the Swadeshists and had been sleeping at night on board steamers. Neither he nor his friends had said nor intended anything against the Tuticorin residents personally, but they had got frightened,

because they found that recently a sense of brotherhood had sprung up among the natives. Every European there had arranged for police protection at night. For his part such precautions were utterly meaningless. He wished to say one word about himself. The Collector had sent for him before issuing the notice under section 108 offering to take no action against him if he would promise to go away from Tuticorin to Bombay for six months. He added that he had applied to the District Magistrate for an adjournment of his case in order to enable him to apply to the High Court for transfer, but the Magistrate had refused, because he was not prepared to promise that he would not return to Tuticorin. Ever since the English had entered the country, they had been trying to create party factions in order to make their rule here permanent. If only the people would combine, Swaraj could be obtained with certainly within three months, for the government of 33 crores of people by 3 crores was incredible. He was followed by Siva who made a fiery speech.

The next morning, Chidambaram Pillai returned to Tuticorin and was met at the station by a fairly large crowd. One of the Railway Volunteers, it appears, was pushing back some of the men to prevent over crowding on the platform. The latter showed signs of becoming quarrelsome, but the Inspector intervened and Chidambaram Pillai also quieted them.

Between 10 and 11 o'clock there was a procession in the town and the photo of Bipin Chandra Pal was carried amid shouts of Bande Mataram, after which Chidambaram Pillai was escorted to the railway station by his friends and left for Tinnevelly by the 12-5 noon train.

The following day he was at another meeting in the river bed and assured his hearers that if Indians united they could get Swaraj in fifteen days.

On the 12th, the District Magistrate took proceedings under section 107, Criminal Procedure Code, against Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar

for acts calculated to provoke a breach of the peace which they had committed since the 8th, the date on which notices under section 108, Criminal Proceedure Code, were served upon them. On Thursday afternoon, they were remanded to the District Jail under clause 4 of section 107, Criminal Procedure Code. They were completely taken by surprise and were removed to the jail without any particular demonstration, on the 12th evening.

On the 13th there were serious riots in Tinnevelly and Tuticorin.

An application having been made to the High Court, Chidambaram Pillai's release on bail was ordered. He was released from jail on the 25th March, but was immediately re-arrested on a charge under sections 124-A and 153-A, Indian Penal Code. Two cases were instituted against him, one for abetting Siva and one in respect of his own speech on the 9th March. He was convicted and sentenced in both cases to transportation for life. He was at once sent to the Coimbatore Jail. On the 4th August his Vakil Sadagopa Chari moved the High Court for the suspension of the rigorous portion of the sentence and Mr. Justice Sankara Nair passed the order prayed for. An appeal to the High Court resulted in the confirmation of the conviction but the reduction of the sentence to six years transportation. While the rigorous portion was under suspension, Chidambaram Pillai completed a translation of the book "As a man liveth" on which he had started before his incarceration. The book is to be published in Tinnevelly.

Several meetings of Sympathy were held in Madras and elsewhere, and attempts were made to raise money for the expenses of the defence.

On the 23rd August there was a serious outbreak among the convicts in the Coimbatore Jail and it was said that Chidambaram Pillai was at the bottom of it.

In November, the following appeal appeared in most of the Madras papers:-

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Minatchi Ammal, wife of Mr.V.O.Chidambaram Pillai of Tuticorin, has issued the following appeal:-

"You are all aware of the judgment of the High Court of Madras in the appeals that were preferred by my husband, Mr.V.O.Chidambaram Pillai of Tuticorin, against his conviction for sedition. The High Court, while confirming his conviction, has reduced his sentence to transportation for six years on the whole. I am advised that it is still possible to establish his innocence before a higher tribunal and that there are good grounds for an appeal to the Privy Council. As the limited funds at my disposal have been exhausted during the trial of the case in the lower Courts and in the prosecution of the appeal before the High Court, I have to trouble the generous public for pecuniary help to enable me to achieve my object. I take this opportunity of tendering my hearty thanks to those benevolent friends who have helped me in conducting the cases hither to. The probable sum that may be required for appealing to the Privy Council is estimated at Rs.10,000. Remittances may be made to me at the address given below (Tuticorin, Tinnevelly district)"

A few days later a further appeal, printed below, was issued:-

"Coimbatore, November 10. The news of the decision of the High Court in the Tinnevelly sedition appeals was received here with profound disappointment. It is matter of regret that the indefatigable labours of the defence counsel were not crowned with the success they deserved.

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The public are not convinced of the course of reasoning which led their Lordships in arriving at the conclusion they came to in the appeals and in rejecting wholesale every one of the numerous and strong objections which the defence pressed as being fatal to the prosecution. On receiving the news of the sentence, Mr. Chidambaram Pillai's wife sent three telegrams to His Excellency the Governor of Madras, to His Excellency the Viceroy, and to His Imperial Majesty the Emperor on the 5th instant. I have given below the text of all these telegrams. On the 9th (King's Birthday) she sent three petitions enlarging the prayers contained in the telegrams. The texts of all the three petitions are the same as given below. So far as I know, no action has as yet been taken on these prayers. Mr. Chidambaram Pillai who was till yesterday treated as an undertrial prisoner under the orders of the High Court, was restored to all the paraphernalia of a duly qualified convict and given work as a rigorous imprisonment prisoner. I hear that he also intends memorialising the Governments of Madras and India.

"In the meantime, there are one or two points in connection with the sentence in this unhappy case to which I would draw your attention. We are all eagerly expecting the definite announcement by the Government on the subject of how far the clemency of the Crown announced on the 2nd November is to extend to political prisoners like Mr. Chidambaram Pillai. But reading, as it is, the orders of the Government of India on the subject published in your issue of the 7th instant, one would

ordinarily come to the conclusion that Mr.Chidambaram Pillai and others of his ilk are to have a remission of one month in the year of their sentences. I mean that this should be the conclusion in the absence of any instructions to the contrary. Mr.Pillai when these orders were issued was under a consolidated sentence of transportation for life which would ordinarily mean a term of 20 years and taking the above order he ought to have a remission of 20 months in his sentence. But some conservative spirits may say that the final judgment on appeal ought to be taken and that Mr.Pillai is only entitled to six months' remission. But I did not imagine that there could be a third interpretation. But this is actually talked of in certain responsible quarters that he is to receive no remission at all because he was not undergoing any sentence when the orders were issued, since he was then treated as an undertrial prisoner with his sentence suspended by the High Court. Though the sentence of the rigorous portion of it was suspended, yet it cannot be denied that he was sentenced to more than one year" (which is the wording of the Government order) and that the entitles him to the remission. I think this is the only reasonable view to be taken in the case, and I dare say that the authorities concerned will also take the same view. I hope that the rumour about the third view is false."

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The following position, dated 9th instant, was sent to His Majesty the King Emperor by Minatchi Ammal, wife of Mr.V.O.Chidambaram Pillai, of Tuticorin:-

"May it PLEASE YOUR MOST GRACIOUS MAJESTY, -

"1. Petitioner's husband now stands convicted for sedition and sentenced to a term of six years' transportation in all by the decision of the High Court of Judicature, Madras, on his appeals.

"2. Petitioner has sent a telegram to your Most Gracious Majesty on the 5th instant praying for mercy and also for remission or commutation of the sentence.

"3. Petitioner's husband as a practical man of business know fully well that the prosperity and progress of the country for which he worked in his humble way depended entirely on peace and order which the Government alone can secure to the country. Knowing as he did the immense powers and resources of the Government and also his own insignificance and helplessness he could not have preached sedition. However the sufferings and trouble which he had to undergo for the past eight months ought to be a sufficient punishment for his faults, if any.

"4. Considering all the sufferings of petitioner's husband and his family till now and all the other circumstances of the case which had its origin in the rivalry between the two Steam Navigation Companies in Tuticorin, petitioner most respectfully prays that your most Gracious Majesty may be graciously pleased to exercise the prerogative of mercy in this case, and release petitioner's husband unconditionally, and if that is not possible, to order -

"(a) that 'petitioner's husband may be allowed to live out of his district or presidency or even India during the period of his sentence or any other specified time; or

"(b) that he may be released on condition that he will be reimprisoned in case he makes any seditious speech or any other similar condition required; or

"(c) that, at least, his term is commuted to a similar term of simple imprisonment with privilege to have weekly interviews, correspondence, bedding, suitable meals, bathing and clothing even at his own cost.

"for which act of mercy the petitioner shall in duty bound. . . . . . ever pray, etc."

* The following is the text of the telegram sent to His Excellency the Governor and His Excellency the Viceroy by Minatchi Ammal, on 5th instant.

"Husband stands convicted six years' transportation for sedition. Pray remit sentence, condition preaching no sedition or living out of India during period or commute sentence simple imprisonment with privilege having weekly interviews, correspondence, suitable meals, bathing, bedding at his cost and wire Coimbatore Jail Superintendent continue treating him undertrial pending Excellency's decision."

The following is the text of the telegram to His Imperial Majesty Emperor Edward on the same day:-

"Pray, pardon husband six years' transportation sedition. Commute punishment, or simple imprisonment or conditional release.

The telegrams were drafted by C.K.Subramania Aiyar, a Coimbatore Vakil, and despatched by him and Pichia Pillai, Chidambaram's brother-in-law.

J.T.W.FILSON,
Personal Asst. to the D.I.G. of Police,
C.I.D. and Railways.

19th June 1909

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* Vide document No.23 on p.90

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G.O.No.1542, Judicial, dated 3rd October 1911.

History of Subramania Sivam alias B.Subramania Aiyar alias Swami Siva alias Bramhari Subramania Aiyar.

Page No.15 to 18

This individual is a native of Batlagunda Village in the Madura District. He is the son of a Brahman named Rajam Aiyar who came from Madura to Trivandrum, with the whole of his family consisting of his wife by name Nagamma, two daughters named Ganamma and Thylamma and two sons named Subramania Sivam and Vaidyanatha Aiyar, and remained at Trivandrum depending on the choultry for their livelihood for the last ten years. Subramania Sivam first studied in his native village, then (owing to a dispute in his family) went to Trivandrum; afterwards he went to Coimbatore and was a student in the St.Michael's College from which institution he appeared for the Matriculation examination but failed. He left the school as he fell out with one of the teachers and travelled to various places, He then got the attender's post in the Tuticorin Police Sub-Divisional Office, but the appointment terminated after a very short time. Thus disappointed, he assumed the garb of a Sanyasi, which role he found did not suit him. He then took up the calling of a political preacher and belonged to the Nationalist party and moved about from place to place living on the bounty of his audience. He did not appear to be working for any society. He returned to Trivandrum in April 1907 and remained there until November when he left again for British parts giving lectures at various places on Swadeshism, Boycott, Swaraj and National education:-

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On the 11th, 16th and 19th February 1908, he presided at the Swadeshi meetings held on the Tuticorin Beach and on the 19th idem, he addressed the audience on the "Dangers arising from a foreign Government". He observed that the Government by a foreign nation could never be permanent while Swaraj or self Government alone could become so, quoting the United States and the Colonies as instances, made a reference to the assessination of the King and the Crown Prince of Portugal, justifying the same because the people were forced to take that step on account of oppression and concluded his speech by saying that India was for the Indians and not for foreigners.

On the 23rd February 1908, he again presided at a meeting at Tuticorin, the crowd assembled were about 1500 strong, when

Subramania Sivam said that in order to obtain Swaraj they should try their best to struggle against and put down oppression. When God's creation was oppressed. He himself would come forward in some incarnation to prevent it. In the present state of affairs some such incarnation was urgently necessary. There were now two factions - the rulers and the ruled. His object was that there should be no factions, all should move in harmony.

Seventeen thousand fire arms were stolen from Fort William. The Magistrate of Dacca was shot, but the authorities failed to detect those cases. Under such circumstances what help could the people of India expect from the Government ?

Every year Europeans take home Indian money leaving behind currency notes. Indians were very kind towards their servants, but Europeans mercilessly exacted work from them. About a lakh of rupees was taken away to England from Tuticorin every year for the poor fund. If the Indian coolies struck work for a fortnight the mills would be closed and Manchester would starve. If the Indians blocked all the gaps the foreign Government would surely suffer. A man was blessed with all powers and if the Divine gift was properly utilized success was sure.

So long as they were in perfect health, there was no necessity for them to serve under foreigners. Indian coolies worked in mills for the benefit of Europeans and if they struck work the mill owners would necessarily suffer loss. By hard work the coolies got 3 or 4 rupees a month, but the Europeans earned Rs.400 and 500 a month by merely signing their names. In Bengal the coolies of the Jute Mill struck work and their wages were increased. The same thing happened on the North-West Bengal Railway. The Russian revolution brought good to the people, and revolutions always brought good to the world. If the workers in the mills understood what he said and struck work for three days European capitalists would be the worst sufferers.

The Bengal people swore by Kali to boycott foreign goods. In 1897 when the Bengalis asked Swami Vivekananda if they could perform Sivaji's festival he told them in reply that their question was unfair. If they were afraid to perform Sivaji's festival how much more would they be afraid to shed blood. If they were to hear what took place in the riots at Mymensing, Jubbulpore and Commilla, they would surely be afraid. But without bloodshed nothing could be accomplished. This was a religious maxim. All Indias should be prepared to undergo all troubles that might face them. The Yuganta Patrika was brought to book four times and the editor convicted. As Japan was prepared to sacrifice 20,000 lives she won a victory over Russia. If five crores of Indians came out to sacrifice themselves, Swaraj would be theirs. In Johannesberge the

Europeans pelted stones to Keir-Haridie because he sympathised with the Indian people. Was that civilization ? Indians were not weak people, and in order to obtain Swaraj they should not be afraid of anything. If all Indians whether strong or weak came forward as strong men, the foreign Government would collapse and Swaraj would be theirs.

He closed his speech by asking the masses to swear before Kali that they would support Swaraj. His speech was received with acclamation and loud cries of Bande Mataram.

On the 24th and 25th of February of the same year, he again addressed meetings on the Swaraj and on the 26th February:-

The meeting commenced at 5.30 P.M. and the crowd was about 500 to begin with.

Subramania Sivam rose up with shouts of Bande Mataram Allahoo Akhbar Hallo Unjan and Devanama Sankirtanam. He stated that Lala Lajpat Rai and Ajit Singh had taken up the cause of their suffering brethren who were unjustly taxed and otherwise ill-treated. Their aims had been to elevate the conditions of the suffering humanity around them. They had lectured on the way in which retired military men who fought in the Boxer War, etc., were taxed. For this or for some other reason which they did not know and which the Government had not published upto date both men had been deported. But God's will was great, and the power of Navasakti did not spare the wrong-doer. How terrible was the grasp of God! He then stated that Sir Denzil Ibbetson had got a carbuncle in the neck and that his tongue became swollen, rotten and infested with worms and that

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he died an awful death. Similarly Lord Curzon lost his wife who was the cause of his fortune. Sir Bamfylde Fuller lost his head and considered it an offence because one among a thousand school boys did not salute him. In consequence he lost all his property and suffered for meals because he did mischief with Lord Curzon. Navasakti destroyed anything that opposed it. It was the result of God's ordination. Arbindo Ghose had said : "The greatest development of intellect is despair."When justice went to hell it was God's work. They were all under God's protection. It was God's omnipotent power which had pervaded India. The despair of Indians gave them this Navasakti. They were not against the Government but they were for their own Government. They did not mean to injure Railways, Telegraph lines or to use dynamite. They wished to be united and to eliminate what was not theirs. They must be firm and never go in for shams. If they were united would the B.I.S.N. Company have been in existence ? If Indians travelled by British steamers because their charges were cheap, they were like senseless rocks. If people favoured the B.I.S.N.Company, the same fate which came to Sir Denzil Ibbetson would come to the Even the Nawab of Decca had changed his view and now wanted Swaraj. The key to success in this world was with the labourers. If the mill coolies stood out for extra wages. European mills in India would cease to exist. They should ask the coolies to demand higher pay. If they determined to do mischief, it could be done, but they were the sons of

Yogis and would not do so. Factory law was not put into force. European mill owners did not grant leave, gave inadequate pay, exacted over time and sometimes employed even little children. If any inspecting officer paid a visit children were kept concealed. Yet Government took no notice of the matter. If the mill owners were appreached diplomatically they were likely to give in. There were two ways of attaining their object, either by creating loss, i.e., doing mischief to machinery or by going on strike. It is only labourers that became capitalists, that supported Government and were lords of the world and there was nothing which they could not accomplish. It was his object to impart this secret to the coolies of the mill. He wished them to adopt the second course.

Copies of his speeches on the 4th, 5th, 6th, and 7th March are enclosed *

On the 12th March the District Magistrate took proceedings under section 107, Criminal Procedure Code, against Subramania Sivam, Chidambaram Pillai and others, for acts calculated to provoke a breach of the peace which they had committed since the 8th, the dates on which notices under section 108, C.P.C., were served upon them. They were remanded to the District Jail.

On the 7th July 1908, he was tried by the Additional Session Judge, Tinnevelly under section 124-A and 153-A of the I.P.C. and sentenced to 10 years transportation.

* Vide DOC 63 P.327.

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G.O.No.1542, Judicial, dt.3rd October 1911.

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IN THE ADDITIONAL COURT OF SESSIONS OF TINNEVELLY DISTRICT

The 7th day of July 1908.

Present: Arthur F.Pinhey Esquire,
Additional Sessions Judge.

S.C.No.1 of 1908

Committed by E.H.Wallace Esq., Additional District Magistrate of Tinnevelly (P.R.No.2 of 1908)

King Emperor	V	Prisoners.	
		1. Subramania Siva 2. V.O.Chidambaram Pillai	1st accused defended by Counsels Messrs Paul Peter Pillai and A.S. Cowdell. 2nd accused by Vakils Messrs Shadagopachari and Narasimhachari.

OFFENCE : Against the 1st accused : Exciting dis-affection towards the Government by making seditious speeches on 3 occasion under section 124A, I.P.C. Against the 2nd accused : Abetment of the said offences under sections 114, 109 and 124A, I.P.C.

ASSESSORS : One Brahmin and one Native Christian

OPINION OF ASSESSORS: 1st Assessor: - Not guilty 2nd Assessor Guilty.

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FINDING OF JUDGE .. .. Guilty as charged.

SENTENCE .. .. 1st accused - Transportation for 10 years. 2nd accused - Transportation for life.

JUDGMENT:-

The two accused Subramania Siva and V.O.Chidambaram Pillai have been committed by the Additional District Magistrate, Tinnevelly, on the following charges:-

Subramania Siva on 4 charges of sedition. (Section 124A, I.P.C), the seditious matter being contained in 4 Public speeches delivered at Tuticorin on 23rd, 25th and 26th February 1908 and on the 5th March 1908.

V.O.Chidambaram Pillai:- on a single charge of abetment of the above offences, punishable under sections 124A and 109 I.P.C.

Under section 284 Cr.P.C. no more than 3 offences of the same kind can be tried together at one trial. The third count of the charges against Subramania Siva, namely that relating to February 26th 1908, was accordingly struck out with the consent of the Public Prosecutor.

It is the case for the prosecution that V.O.Chidambaram Pillai was present when the speeches of 23rd February and 25th February 1908 were delivered by the 1st accused, but that he was not present on the 5th March. The charges against Chidambaram Pillai was accordingly split up into 2 counts, the first charging him with having committed the substantive offence on 23rd February and 25th February 1908 - section 124A, 109 and 114, I.P.C, and the second charging him with simple

abetment of the offence of the 5th March, sections 124A and 109, I.P.C.

2. Several preliminary objections were taken on behalf of both accused with a view to the commitment being quashed under section 532, Cr.P.C. It was urged that the Government sanction was inadequate, that the complaints were not complaints in law and that the action taken on the complaint Exhibit U by the District Magistrate was irregular The facts are these.

The order of the Government of Madras directing the prosecution of the accused is No.467 dated 22.3.08 (marked Exhibit A). In order that the complaint might be filed at once the purport of this order was telegraphed in cypher by Government to the District Magistrate on the date it bears. The District Magistrate on the morning of 23.3.08 gave the Prosecuting Inspector of Police - the person nominated by Government to file the complaint - an extract of the decoded telegram in his own handwriting (vide Exhibit I) and orally instructed him to the complaints before himself forthwith. The complaint against 1st accused (Exhibit U) was filed the same day at noon along with Exhibit I. On the complaint the District Magistrate endorsed an order to the complainant to produce his witnesses on 1.4.08 and directed the issue of non bailable warrants. On the 25th March, however, he appears to have ordered the complaintant himself, qua Police Officer, to investigate the case under section 155, C.P.C., with the result that on 6.4.08 a charge

sheet was put in against the 1st accused, and a supplementary complaint of abetment (Exhibit XIX) against the 2nd accused. It may be mentioned that a separate complaint under section 124A in respect of his own speeches had already been filed on 23.3.08 against the 2nd accused Chidambaram Pillai, which forms the subject matter of a separate trial.

3. The objections taken to the complaints, Exhibits U and XIA, are, that they are not 'complaints' in law, as (1) they omit to set forth the words that constituted the offences complained of and (2) they are the reports of a Police Officer to wit, the Prosecuting Inspector of Police. The word 'complaint' is defined in section 4, clause k, of the Cr.P.C. thus: "Complaint means the allegation made orally or in writing to a Magistrate, with a view to his taking action under the code, that some person, whether known or unknown, has committed an offence. But it does not include the report of a Police Officer". On behalf of the accused reliance is placed on the dictum of Farran C.J. in the case of E.V.Bal Gangadhar Tilak to be found on page 150 of 22 Bombay I.L.R. "Now though the complaint must undoubtedly contain the article complained of to give information to the accused of the charge against him, there is nothing in the Code to show that the written order to make the complaint - If written order is required must specify "the exact article in respect of which the complaint is made". It will be observed that the object of a complaint is stated in the definition and it is not the giving of information to the accused, but the giving of

information to the Magistrate in order to induce him to take action. If the details set forth in the allegation are insufficient, that fact may affect the subsequent action of the Magistrate but does not make the allegation any the less a 'complaint'. The Magistrate's duties on receipt of a complaint are set forth in sections 190-203, Cr.P.C., and the real question raised in the present case is whether the District Magistrate, before whom Exhibit U was filed, was justified in taking action upon it. The offence made punishable by section 124A is the bringing or attempting to bring into hatred and contempt, or exciting of attempting to excits disaffection towards His Majesty or the Government established by British Law in India in one or more of the ways specified viz by words spoken or written or by visible representations or by signs or other-wise. Where the allegation is that the offence has been committed by means of a printed newspaper article, as was the case in 22 Bombay, the exact words are beyond dispute and can easily be proved by filing with the complaint a copy of the article complained of. Where, as in the present instance, the allegation is that the offence has been committed repeatedly in a series of speeches of which no short hand reports are available, the Magistrate taking cognizance has to rest content with a less specific alle-gation in the complaint. In the former case the issue. "What were the words used ? does not arise. The exact words are known. In the latter it does and the question has to be answered in general terms after hearing the

oral evidence of the witnesses who heard the speeches and who observed the effect that they had on the audiences addressed. Speeches addressed to an assembled mob may have a greater and a more immediate effect than a printed article in a paper, which appeals to solitary individuals under less exciting conditions and it would be unsafe to hold that the more dangerous and persistent criminal should go scot free unless the exact words used were set forth and that too in the original complaint. In the present instance the District Magistrate elicited by his examination of the complainant under section 200, Cr.P.C. the fact that notes of the speeches had been taken by some of the police witnesses especially deputed for the purpose, and that some of the notes themselves as well as extracts had already been filed before himself a fortnight earlier in certain proceedings taken against the accused under section 108 C.P.C. The effect of the speeches had been such that the most serious riots had ensued on the arrest of the speakers. In view of all these circumstances I am unable to hold that the District Magistrate had no complaint of facts before him to warrant him in taking cognizance of the complaint Exhibit U.

4. As regards the second point, it is clear that the proviso added at the end of the definition of the word complaint in section 4 (clause k) Cr.P.C. was not intended to preclude a Police Officer from figuring as a complainant. The words 'report of a Police Officer' have in fact a very special meaning and refer to the report

mentioned in section 190 clause (b). Under the Cr.P.C. information of an offence may be given in the first instance either to an officer in charge of a Police Station or to a Magistrate. In the former case the Police Officer sends a report to the Magistrate who takes cognizance under section 190, Cl.b. The Prosecuting Inspector of Police is not an officer in charge of a Police Station and it is impossible to hold that information acquired by him, either before or after the District Magistrate's order under section 155, Cr.P.C., was passed, was such a Police report' as is contemplated by section 190 (clause b) Cr.P.C., or section 4 (clause k) Cr.P.C.

5. The next point taken was the adequacy of the Government sanction. It has already been pointed out in more than one case that the word 'sanction' is misleading in connection with section 197, Cr.P.C. All that section 196, Cr.P.C. says is that no Court shall take cognizance of certain offences, of which section 124A is one, unless upon complaint made by order of, or under authority from, the Local Government. It was pointed out by Strachey J. (22 Bombay 125) that the object of the section was to prevent unauthorised persons from intruding in matters of State by instituting State prosecutions. There is nothing in section 196, Cr.P.C. to indicate that the order of Government should be in any particular form or even that it should be a written order. When the definition of 'complaint' is considered it is clear that even the names of the offenders need not be known provided the particular

'offences' to be complained of are identified. In the present case the order of Government was communicated by Code wire subsequently verified by letter. It specified the sections under which complaints might be filed. It named the persons to be prosecuted and its wording is wide enough to cover as many complaints as the Prosecuting Inspector of Police, Tinnevelly - the complainant designated might see fit to file against each of the persons named provided they were for such offences committed at Tuticorin or Tinnevelly between the 3rd February and the 11th March 1908. I must hold that the requirements of section 196, Cr.P.C. were complied with as regards both the complaints Exhibit U and Exhibit XIX and that no further order of Government was necessary in respect of the latter complaint, I may also observe, as the Committing Magistrate has done when dealing with the same objection, that in view of the decision in 20 Madras page 8 (Queen Empress V.Abdul Kadar Sheriff Sahib) and the omission from section 196, Cr.P.C. of all the abetment sections except section 108A, I.P.C. no order of Government was in fact necessary to enable the Magistrate to take cognizance of the complaint Exhibit XIX, whether that document is considered to be a 'complaint' or a 'Police report'.

6. The last objection is to the District Magistrate's action in referring the complaint Exhibit U to the Police for investigation under section 155, Cr.P.C. It is urged that a Magistrate taking cognizance on a complaint of a non-cognizable offence has no power to refer the complaint

to a Police Officer for investigation under section 155, Cr.P.C. section 155, Cr.P.C., it is urged, only relates to those cases in which the information of such an offence was to the officer in charge of a Police Station in the first instances and where the Magistrate took cognizance on the report of the Police. No Madras decision on the point has been cited and in practice such complaints are frequently referred to the police for investigation. Assuming that the law is as stated, in all ordinary cases it is the complainant alone who would be entitled to object on the ground that he was entitled to select his own 'forum'. It seems unnecessary however to discuss the general question here for two reasons. In the first place the order in the present instance was entirely superfluous and a matter of form that in no way affected the subsequent course of the case. The Prosecuting Inspector of Police was in a position to collect all the materials for the prosecution that he wanted without any order under section 155, Cr.P.C. and the case might have proceeded exactly as it did without a charge sheet at all. In the second place section 529 Cr.P.C., clause (b) would govern the case and rectify the error if error there was.

7. For the reasons recorded above I over rule all the preliminary objections raised and decline to quash the commitment under section 532, C.P.C.

8. It would be convenient at this stage to consider two other objections taken by the junior Counsel of the 1st accused in his closing speech.

The first objection is that the charges framed do not specify the seditious utterances on which the prosecution rely. The Committing Magistrate gave his reasons for framing the charges as he did. Following the Bombay Precedent (Queen Empress V.Tilak) be considered that each speech and its intention and effect had to be considered as a whole. I concur in this view and consider the charges were properly framed. No objection was taken in the Lower Court to the form of charge. The senior Counsel, who was present throughout the present trial, took no objection when the other preliminary objections were considered. It seems to me impossible to hold that the accused has been in fact misled or that the omission has caused a failure of justice.

9. The second objection was that the notes of speeches made at the time by the various Police officers were marked as Exhibits. The junior counsel who raised this objection was only briefed after the close of the prosecution case, some nine days after the trial had commenced. The circumstances under which the notes were so marked appear on the face of the record. It is sufficient here to say that the suggestion came from the Bar and effect was given to it only after all parties had agreed to it. The Police officers did not profess to have any recollection of the speeches unassisted by the notes and merely read from them while in the witness box. The notes were legible, numerous and lengthy and many were in the vernacular. As each note was read such portions as the parties desired

were recorded in the depositions and for the rest the notes (with translations where necessary) were marked and filed for future reference if wanted. Advantage was taken of this procedure by the defence, and notes of speeches of the same note books which had not been marked by the prosecution, were marked by the defence. It is impossible to hold that accused was prejudicied in any way by the procedure adopted.

10. Before dealing with what I may call the issues in the case, it is advisable to give a short history of events in Tuticorin and Tinnevelly during February and March. The 1st accused, whose original name was Subramania Iyer, is a relation of the Palamcottah Inspector of Police, P.W.7, and a native of Batlagundu in the Madura District. In 1902 he seems to have obtained temporarily the appointment of Mochi in the office of the Special Assistant Superintendent of Police, Sivakasi. Later it would seem he went to Travancore, and after completing his education there, assumed the garb of a Sannayasi, called himself Subramania Siva and started to tramp the country as an itinerant preacher. His letter, Exhibit XVIII, written from Travancore in 1905 to his College friend Chinnaswamy Pillai, D.W. 22, would seem to show that at that date he did not concern himself with politics; but from the evidence of D.w. 1-3 it would seem that soon afterwards he took up that subject also. In January 1908 he was forming a Sabha at Ambasamudram under the auspices of D.w. 2 and other vakils and lectured on Swadeshi and

boycott among other subjects. On February 3rd 1908 he arrived at Tuticorin and at once gave a series of lectures extending over a week at the invitation of "The young men's Patriotic Association."The police as in duty bound watched him from the first and took notes of his speeches, but until 19.2.08. When the first glaringly seditious speech was made, there was no thought of taking action against him and the earlier notes are lost though the reports based on them are said to be available.

11. At Tuticorin the 2nd accused in a man of influence and position. He was formerly a Second grade vakil but gave up his practice to become Assistant Secretary (afterwards Superintendent also) of the new Swadeshi Steam Navigation Company, which started in Tuticorin in October 1906. He seems to have been an ardent believer in the doctrine of Swadeshi and boycott and apparently the real controlling force in the affairs of the new Company. According to the prosecution case, the second accused, recognising the powers of the first accused as an orator, quickly got hold of him, invited him to his house and commenced with him a campaign of seditious speeches which so inflamed the minds of the populace against the Government authorities and the European community, that they caused the Mill hands of the Coral Mills Company to go in strike on 27.2.08 and ultimately caused the riots at Tuticorin and Tinnevelly on the 13th March directly the speakers were arrested.

12. The speeches were delivered almost daily from the 3rd February to the 11th March. Most of the speeches were delivered on the beach at Tuticorin. Till 19.2.08 they were comparatively harmless. On February 22, 23 and 25 the speeches were delivered at Hindu Temples. On 27th February, in consequence of the strike of the Mill hands, public meetings were forbidden by the Divisional Magistrate, Mr.Bracken, who considered that serious mischief would probably ensue if the speeches were continued to idle Mill hands who had already been induced to strike without any real grievance of their own. On 28th and 29th February private meetings were accordingly held at a private Bandy Petta and at the Dharmasangam - an old weaving factory belonging to the 2nd accused and others - and a notice was sent to the police to say that their attendance was forbidden.

13. On 29th February the District Magistrate arrived from Tinnevelly and after a walk through the town, during which he found it quiet, held a conference of the leading Town's people including the 2nd accused. The result was that, deceived by the apparent peaceful condition of affairs during his short visit, he directed cancellation of the order forbidding meetings. The public meetings accordingly were recommenced on 1.3.08. There was little change in the tone of the speeches and a procession was announced for the 9th March in honor of B.C.Pal who was to be released from gaol on that day. To prevent the breach of the peace the procession was forbidden and

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notices were served on the 2 accused (and also an another named Padmanabha Iyengar who had recently joined in the campaign) calling them into Tinnevelly on the 9th March to answer charges under section 108, C.P.C. On March 9th, the accused being absent, no procession was held at Tuticorin; but a procession, originally fixed for the 14th, was held that night at Tinnevelly after the Court, was closed and speeches were again made by both accused in the bed of the Tambrapurni river opposite the Court house. On the 10th morning the 2 accused and Padmanabha Iyengar were back again in Tuticorin and the prohibited procession with B.C. Pal's photo came off in the forenoon, the 3 men riding in a phaeton with the photo. Catching the 12.30 train they were back in Tinnevelly in time to attend the District Magistrate's Court the same afternoon. On the 11th evening the two accused went straight from the District Magistrate's Court to the river bed in front of it and again addressed a meeting; while the District Magistrate, who had found 'Bande Matharam' inscribed on the walls and punkahs of his Court, was followed to his house by a mob shouting the same war-cry. On the 12th the District Magistrate considering that the 2 accused could no longer with safety be allowed to be at large caused to be initiated fresh proceedings under section 107, C.P.C. arrested the three men and had them confined. This proceeding, imperative as it seemed at the time, was held to be illegal by the High Court at a subsequent date. On the 13th March the shops in Tuticorin never opened. At

Tinnevelly before noon, but after the arrival of the Tuticorin train, the bazaars were also closed and a riot of a serious character occurred. Every public building (except the sub-Registrar's office) was attacked and fired including the Police Station, Municipal Office, Additional District Munsif's Court etc., and the riot was only quelled by calling out the Reserve Police and using fire arms. All the time Tuticorin remained quiet but with bazaars closed. In the evening a prohibited meeting was held at the Bandy Petta which the Divisional Magistrate (now Mr.Ashe who had relieved Mr.Bracken) had to disperse also with an armed force.

On 25.3.08 a High Court Order directing the release of the speakers on bail was received, but on 23.3.08 the long awaited order of Government had been received authorising the filing of complaints under section 124A and other sections. The accused were accordingly re-arrested the moment they came out of the Palamcotta gaol.

14. The present charges against the 1st accused have reference to his speeches at Tuticorin on the 23rd February, 25th February and the 5th March. The speech of the 23rd February was delivered at the usual hour (about 5 or 5-30 P.M) at the Uchini Maha Kali Amman Koil. The 2nd accused was present and also made a speech.

The speech of the 1st accused on 25th February, was delivered at Karuppaswami Koil. The 2nd accused was present but did not speak. The speech of the 1st accused on 5th March was delivered on the beach. The 2nd accused was not present.

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The questions for decision are exceedingly simple. Did the first accused utter the words imputed to him, and if so, are they seditious, as defined in section 124A, I.P.C.

15. I have no doubt that Subramania Siva uttered the words imputed to him. The chief witness for the prosecution is P.W. 2, Jaffir Hussain Sahib, Police Inspector of Tuticorin. He was a fine specimen of a Mahomedan gentlemen. His demeanour in the witness-box was perfect, and he was unshaken by cross-examination and I have no doubt he spoke the truth throughout. He attended all the public lectures delivered at Tuticorin (with two exceptions) and took notes. His notes are in English as he thinks in that language in preference to Tamil, though thoroughly conversant with the latter, and writes English with greater facility. He produced his notes of the speeches on February 23rd, February 25th and 5th March besides many others called for by one side or the other to prove the 'animus' of the speakers. The notes of speeches of course are not verbatim reports. He swears however that the sentences noted were actually used by the speaker, that his notes represent the tenor of the speeches and that nothing of importance was omitted. If qualifying sentences are omitted the burden of providing such omissions rests on the accused. 3 Cox 123. Jaffir Hussain Sahib's evidence is supported by that of his subordinates, the Sub-Inspector Venkatavaradachary, Head constable Kaliyugarama Pillai and Sub-Inspector Sundaram Iyer, who all attended and took notes in Tamil on various occasions. The two

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Sub Inspectors were particularly smart and intelligent witnesses. The result is that for the speeches of the 23rd February and 5th March there are 3 police witnesses and 3 separates sets of notes while for February 25th there is evidence of P.W. 2 alone and his English notes. As proceedings were taken under section 108, Cr.P.C. as early as 9th March 1908 many of these notes were produced in Court about that date.

16. The police evidence is supported by the oral testimony of independent witnesses. For the best of them is P.W. 8, Joseph Savariraya Pillai, a native Christian clerk of the Sub Court, at Tuticorin. He is a graduate of the Madras University and a man of good family. He was only transferred to Tuticorin, where he was friendless, on 1st February. He heard some 15 or 20 speeches that were delivered on the beach after office hours. The beach is the usual place to take an evening walk. When his attention was directed to any particular subjects, he was able to give from memory a fair resume of what the speaker said. He mentioned sentences not found even in the notes of the police. He could not of course assign the date of any particular utterance. It was urged against this and the next witness that he testified to utterances which are shown by the police notes to have been made at meetings near the temples which he admittedly did not attend. There is in my opinion a sufficient answer to this objection. The speeches at the temples were delivered in

order to accommodate that section of the population who could not attend the beach lectures. There is nothing improbable therefore in the supposition that the same illustrations may frequently have been employed in both places and the same principles enumerated. In fact it is probable that this was a case.

Another witness, quite as reliable, but one who attended fewer lectures and an older man with less retentive memory, was Edward Rajappa Pillai, P.W. 11, a Christian Preacher, who was formerly Tamil Pandit in the Caldwell College for 18 years. Other witnesses of less education and ability were P.W. 12 Maria Navia Fernandez and P.W. 13 John Devanayagam. The one witness for the prosecution on whom it is unsafe to rely is Tambaswamy P.W. 10. He was shown by cross examination to be a worthless creature and hostile to the 2nd accused. The prosecution however was apparently unware of the fact and cited him because in his capacity of correspondent of the 'Indian Patriot' he had written paragraphs bearing on the subject of the lectures to that paper at the end of February and early in March while the speeches were being made. I exclude his evidence from consideration.

17. For the defence it is not denied that Police Officers did attend the public meetings and take notes. Nor is an unqualified denial given to all that is found in these notes. It is some indication of the fairness of the Police that they did not restrict themselves to recording only seditious utterances. The defence readily relies

on the harmless portion of these notes. It is urged that the notes are garbled and that the seditious portions were inserted subsequently at a hint from the District Magistrate. When this fabrication is supposed to have taken place is not quite clear. At one time it was suggested that the District Magistrate gave the hint after the strike at the Coral Mills, being moved there to by the Agent of the Mills and the Agent of the B.I.S.N.Company, who were alike alarmed by the attacks made by the speakers on the concerns in which they are interested. At another time that is in 2nd accused's statement, it was suggested the District Magistrate resorted to the step of fabricating a case after the riots of 13.3.08 in order to save himself from a charge of murder in connection with these riots. I need hardly add that not a jot of evidence was adduced to support these insinuations. The District Magistrate was cited as a defence witness but was not called. The Agents of the Coral Mills and B.I.S.N.Company were both examined as prosecution witnesses but neither was asked a single question on the point. The District Magistrate's conduct on the occasion of his visit to Tuticorin on 29th February 2 days after the strike commenced - completely negatives the former suggestion.

18. Much was made by the defence of the circumstances that Jaffire Hussain's notes were not produced before the District Magistrate on March the 9th when called for as they had been mislaid. It was suggested that they were recent fabrications for the purpose of these sedition

trials. Jaffir Hussain Sahib's explanation was simple enough. He said he had his notes on the 8th March evening at Tuticorin and produced them before the Prosecuting Inspector who was engaged all that night in getting up a case under section 108, Cr.P.C., to put before the District Magistrate at Tinnevelly next day. The Prosecuting Inspector preferred the Sub Inspector's notes because they were in Tamil, the language in which the speeches were actually made. The Inspector's English notes were put aside and for about a week were mislaid in the Tuticorin Police station where there was great confusion owing to the influx of about 80 special constables, who with their kit had to be accommodated in the station house itself. Having already commented on the excellent demeanour of the witness I should have been perfectly willing to accept this explanation of his bare word; but it occured to me to ask if reports embodying the notes were not made to the higher authorities daily. I found this was the case. The reports were called for and some were filed (vide Exhibits F, G and H series). It seems that no less than four copies of these reports were despatched daily, one copy being sent signed jointly by the Inspector and Sub-Magistrate to the Divisional Magistrate. The receipt dates, initials, comments and endorsements on these reports make it impossible for me to believe that they are other than genuine. It was then urged that they did not prove the pre-existence of Jaffir Hussain Sahib's notes for the reports might have been prepared from the Tamil Notes

of the Sub-Inspector. There is a conclusive reply to this. On 19.2.08 (the date of the first seditious speech) Jaffir Hussain Sahib was the only Police Officer present. On 25.3.08 he alone took notes. There are no other notes of speeches than his for those dates. Ex.F.Series and Ex. H are the reports relating to the speeches of those dates. Further it may be observed that the suggestion that Jaffir Hussain Sahib would have run the risk of fabricating notes in his own hand to please any official superior is absured, for the simple reason that if, as now seems to be admitted, Tamil notes of the speeches were in existence as the basis of the daily reports, there was no objection to Jaffir Hussain refreshing his memory from such notes made under his own eyes by his subordinates and submitted to him as soon as taken, vide section 159 Indian Evidence Act.

19. Another way in which the prosecution evidence is attacked is this. It is pointed out that admittedly three other officials at least were deputed to take notes who have not been examined.

The fact is as stated. The officials were, the hereditary Village Munsiff of Tuticorin, and two clerks of the Sub-Magistrate's Office. None of these men however were deputed to take notes until after the 1st March. As the Sub Magistrate and other persons loyal to the Government (the Vakil and Municipal Councillor, P.W. 22, for instance) have found to their cost the feeling excited by the speeches was so intense that people like Village Munsiff and Sub-Magistrate's Clerk, who are presumbaly

local men, found it inconvenient to carry out their orders. The pretence that the speakers spoke so fast that the taking of notes was impossible is absurd. The speakers addressing large audiences do not speak as a rule with great rapidity and moreover it would obviously be possible to take notes of the most rapid speech and even sentences verbatim here and there. The Villages Munsiff was cited as a defence witness and attended in Court for several days but was not put into the witness-box.

20. The notes of the Police Officers were also attacked by 1st accused's Counsel on the ground that they did not agree and in connection with the notes of the speech of 23.2.08 some 13 discrepancies were pointed out. The force of this argument is considerably lessened by the fact that on behalf of the second accused it was urged on the contrary that the notes where so much alike that they must have all had their origin in a single note viz., that of P.W. 4, Kaliyugarama Pillai. I have very carefully compared the notes of all the speeches charged and also the reports relating to those of February 23rd and February 25th and see no reason to doubt their independence and genuinences. Exhibits B3, G, J, and N are respectively the notes of P.W. 2, the report of P.W. 2 the note of P.W. 3 and the note of P.W. 4 for February 23rd. They may be perused. The agreement between J and N, the two Tamil notes, are close but they are not identical and seeing that the Police Officers were reporting the same speech side by side one would naturally expect that they would agree pretty closely. Kaliyugarama Pillai is certainly

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the least satisfactory of the police witnesses and it has to be borne in mind that he is a Vellala like the 2nd accused. It seems he was transferred very soon after that note was taken. The circumstance that he broke his pencil directly the 2nd accused began to speak and consequently lost that speech is I think significant. It possibly explains his sudden transfer. P.W. 3's note is far the best of all, as might be expected seeing that he was probably the best educated of the three men taking notes on the 27th and that he took the notes in the language in which the speech was uttered. It makes clear the meaning of certain utterances which Jaffir Hussain's translations left in doubt. I have scrutinized Exhibits C and H and also Exhibits E, L and O in the same way and with the same result, and the effect on my mind is only to confirm my opinion that the notes are genuine and were taken at the time as alleged.

21. In order to rebut the prosecution evidence a cloud of witnesses were examined for the defence. I consider it quite unnecessary to comment on the evidence they gave except in general terms. A number of witnesses were examined to prove that they attended the lectures and heard nothing seditious. Not one of them took a note. They all relied on their memory and not one would admit that he had refreshed his memory by any conversation on the subject till a day or two before his examination. It is obvious that negative evidence of this kind is of triffling value when compared with the positive evidence

on the side of the prosecution. Even those prosecution witnesses who rely on their memory alone, are of far greater value than those on the side of the defence from the single circumstance that they at any rate were made to depose at a very much earlier stage. Apart from this there is not a single witness on the side of the defence who was not shown to be in some way interested or an ardent partizan. Most were vellala like the accused. Many were owners of shares in the Swadeshi Steam Navigation Company, of which 2nd accused is the moving spirit, or subordinates of such men or in some way under their influence. Others displayed their 'animus' directly the cross-examination was diverted to some subject other than that to which they had come to testify, such as the reason for closing their shops on the morning of the 13th March. D.W. 36 was probably the best witness and on him the defence largely relied. His name was Tiruvarian Pillai and he is a journalist by profession being correspondent of a number of influential English papers such as the Madras Mail, Pioneer and Times of India. He attended a number of lectures towards the end of February and early in March and gave evidence a little more detailed than the other witnesses. He is a Vellala like the 2nd accused and constantly visited him. He had been employed by the Swadeshi Steam Navigation Company in getting the Memorandum of Articles of Association through the press. He was recently acting Editor of the West Coast Spectator. He says he attended the meetings for the purpose of taking notes and sending reports for his papers

but found the speakers spoke so fast he could not get a single intelligible note and so sent no account of the speeches. It is obvious he is not as incapable as he wishes to make out and the inference is that he did not report because he thought it wiser not to do so in the interest of the speakers. The notes he had taken were not produced.

22. No less than three witnesses were examined to contradict and discredit the 8th prosecution witness, Joseph Savariraya Pillai alone, a sufficient indication of the fact that that witness's evidence was felt to be important and practically unshaken by cross-examination. These were two brother officials of this clerk and the Vakil with whom he lodged, whom he had casually named as persons who attended lectures in his company. Not one of them could explain why Joseph Savariraya Pillai should have made the statement he did if it was untrue. It is only necessary to refer to the cross-examination of these witnesses to see how little reliance can be placed on their statements.

23. One strong piece of evidence I have left to be dealt with last viz, the statement of 1st accused himself sent from the Palamcottah gaol to the committing Magistrate. The admission of this statement was most hotly contested. The accused in the case were examined by the committing Magistrate on 1.5.08 and the 1st accused then stated he had nothing to say (Ex.T). The next day he sent to the Jail Superintendent (P.W.20) the statement Exhibit S with a request that it might be forwarded to the

Committing Magistrate. The Superintendent sent for Subramania Siva and learning that he wrote the statement and really wished it to be forwarded to the Magistrate complied with the request. The Magistrate accordingly sent for both the accused and examined Subramania Siva again in reference to Exhibit S and on learning that he wished it filed in the case, proceeded to file it (vide Exhibit T). Exhibit S clearly became a part of accused's statement to the Lower Court and is evidence which must be placed before the Court under section 287, I.P.C. If the statement was not protected as the statement of an accused there is no question that it would be indicable as a seditious libel of a serious kind. It completely bears out the prosecution theory that whatever may have been the preaching of Subramania Siva at the commencement of his career as a public preacher, he had since become a maker of seditious speeches. It in fact is strong evidence of 'animus'. It is a sort of profession of faith which removes any possible doubt that might exist of the genuineness of the Police notes. There are other inferences to be drawn from the document also but as they may more property be dealt with in considering the case of the 2nd accused I leave them for the present. On a consideration of the whole evidence it is impossible to doubt that the 1st accused uttered the words attributed to him.

24. The only question left, as regards the 1st accused, is whether the speeches were seditious i.e. with what intent they were made. I propose to deal with the

matter shortly. It seems to me the speeches speak for themselves and the voluminous evidence of 'animous' afforded by his other speeches, as well as the oral evidence regarding the effect these speeches had, though true enough, need not be discussed. Reference may be made to the translation of P.W. 3's notes of the speech of 23rd February Exhibit J., P.W. 2's notes of the speech of 25th February Exhibit C, and the translation of the notes of P.W. 3 of the speech of the 5th March Exhibit L, as I do not propose to transcribe the speeches at length here.

25. It will be observed that the burden of the speech of 23rd February was "the way to obtain 'Swaraj'". There is no ambiguity as to the meaning of this word. "If Indians work courageously no matter if they are strong or not the foreign Government will be gone and Swaraj obtained." "When oppression reaches its climax God will appear in an incarnation to remove it. Now is the time for such incarnation" - that is the people are oppressed. There is a sinister allusion to the theft of 17,000 guns from Fort William and the shooting of the Magistrate of Dacca, the point of which is that these crimes were never detected. This is how the prosecution witnesses understood the allusion and no one acquainted with the oriental mind will doubt that that was what the speaker intended to convey. It is one of the ways of getting rid of foreigners and getting 'Swaraj' Another way in by inducing the mill hands of Europeans to strike and this very speech had the desired effect 4 days later. "However it is better to die than either work for Europeans or starve". Boycott and

Passive Resistance are only advocated as a means to the same end. "If Indians block up all ways the foreign Government will suffer". "The Russian Revolution resulted in good. Tell the Mill hands". The Bengalis who consulted Swami Vivekanunda in 1907 are reproached for their cowardice and compared unfavourably with the rioters of (Mymensing), Jamalpore and Comilla. 'Nothing can be done without shedding of blood'. "Japan was prepared to sacrifice 20,000 men and gained a victory over Russia. If 5 crores of Indians do the same 'Swaraj' will be obtained.

It must not be forgotten that to the mind of the average Mufussil cooly there is no distinction between official and non-official foreigners. The non-officials are to them merely the kinsmen of the officials and the departure of the one at once involves the departure of the other.

It is impossible for any person of ordinary sense to have two opinion as to the character of the speeches. The object is not merely to bring into hatred and contempt the Government established by British Law in India and to excite disaffection towards it but it is a direct incitement to revolt.

26. The speech of the 25th February is similar though less violent in tone. The burden of it again is the attainment of "Swaraj". A bait is thrown out to the Mahomedan section of the community by linking the Hindu cry of "Bande Matharam" with the Mahomadan call "Allahu Akbar". "We are slaves and must unite". Under the guise of a religious lecture he preaches that death is not a

thing to be feared and that it is not the good alone who will attain heaven but "he who dies for the public cause will get there first." The mere handing over of control of the army and the finances of the country would be only a conditional "Swaraj" and unacceptable. The "Swaraj" to be looked for and soon to come is when the country belongs to Indians without any connection with the English. The English flag is to be rolled up and cast into the sea and the flag of Swaraj to take its place. The Inspector who reported this speech regarded it as common place and a mere building of castles in the air.

27. The speech of the 5th March deals largely with the strike at the Coral Mills which had been advocated on the 23rd February and subsequent dates and had become an accomplished fact on the 27th February. The speaker glories in the fact that the postman has delivered to him a cover addressed to the "Athipathi of 'Swaraj Needhi'". B.C.Pal "The lion of 'swaraj' "is compared to Harichandra and a procession is announced in his honor on his coming out of gaol.

Six courageous men are to be fitted out as Preachers of sedition in the hope of compelling Government to apply the 'Sedition bill' to Tuticorin as it is now in force in Barrisal. "As we are not prepared for war, without actually opposing we should oppose", What will Government do when we have induced the Village Munsif and Karnam to resign ? " "If we unite we can get rid of the present Government and obtain swaraj." "For 150 years the

foreigners have taken crores of sovereigns from India and sucked the blood of the people."

28. The Assessors when consulted regarding the guilt of the 1st accused differed in their opinion. One a native Christian and master in the C.M.S.High School offered the unhesitating opinion that he was guilty of the three offences charged. The other a Brahmin of Kallidakurichi and also a School master was of opinion that he was "not guilty". Asked if he wished to give any reasons for his opinion he merely murmurred the words" on the evidence." Indications were not wanting throughout the lengthy trial of the influence of the 2nd accused in the District and the most charitable supposition is that the Brahmin Assessor was afraid to give an honest opinion. There can be no possible doubt of the guilt of the accused and I accordingly convict him of the three offences charged, to wit, making seditious speeches on the dates specified, offences punishable under section 124A, I.P.C.

29. I pass now to a consideration of the case of the 2nd accused. The case for the prosecution is that the 2nd accused engaged with Subramania Siva in a conspiracy to make seditious speeches and that Subramania Siva's speeches were made in pursuance of such conspiracy. The evidence of conspiracy is naturally for the most part circumstantial.

The circumstantial facts on which the prosecution rely may be summarised as follows:-

1. Subramania Siva though a Brahmin lived with the 2nd accused while at Tuticorin.

2. The 2nd accused provided the platform and audience for Subramania Siva and organised the lectures.

3. The two men usually attended meetings together and both frequently spoke at the same meeting. The 2nd accused not only did not dissent from any of the views expressed by Subramania Siva but sometimes made references to the latter's speeches' when speaking after him and approved and enlarged on the same subject.

On behalf of the 2nd accused it was denied that the two men lived together as alleged. It was urged that 2nd accused is an apostle of "the commercial regeneration of the country" and being interested in the subjects of 'boycott and swadeshi' merely attended Subramania Siva's lectures as a spectator and only spoke when called on by the audience with whom he is a popular favourite. It is pointed out that the speeches of the 2nd accused, even if the notes of the police are accepted as true, clearly indicate that 2nd accused did not adopt Subramania Siva's views but impliedly disapproved of them. He regarded Subramania Siva as an idealist and dreamer while he himself advocated practical, and lawful methods for developing the industries of the country.

30. As regards the first point the residence of Subramania Siva in Chidambaram Pillai's house - I have no doubt of the fact. It is true that the evidence on the prosecution side was not as full and complete as it might

have been but it often happens that the most notorious facts are most difficult to prove, more especially when, as in this case, the denial of the fact came unexpectedly and at a latter stage. Considering the attention paid by the police to these speeches and the sensation they created, it is not unreasonable to suppose that the police must have made full enquiries regarding the new speaker Subramania Siva at the outset and marked him down. Knowing that Subramania Siva lived in Chidambaram Pillai's house and not anticipating a denial of so patent a fact, the prosecution, at the outset, contended themselves with proving the fact by the statements of the Inspector Jaffar Hussain Sahib and the Sub Inspector Vencatavarathachary. It was elicited from the former that he served two notices on Subramania Siva at the 2nd accused's house. The witnesses were not severely cross-examined on the subject but admitted they had not seen 1st accused taking his meals with 2nd accused and each witness was asked a question about one Shadagopa Iyengar whose house is apparently opposite that of Chidambaram Pillai. Thinking the prosecution witnesses might perhaps have made a mistake I took the opportunity to ask a few questions of the last witnesses examined on the prosecution side namely the Vakil Rangaswami Iyengar. This man was the vakil who did the work of the B.I.S.N. Company and who incurred so much unpopularity that he had to leave Tuticorin after the strike under a strong escort of police. He has since had to give up his practice altogether, as well as the post of Municipal Councillor which he held, and retire from

the place. From his evidence, which was chiefly devoted to other points, it appeared that he lived close by the 2nd accused while at Tuticorin and could testify to the fact that the two accused lived together. He mentioned that it was considered a meritorious act to feed a Sannyasin. When questioned more particularly by Court as to how he know that first accused was actually living in 2nd accused's house, he at once observed that he had seen Siva at the house both early and late, had seen him cleaning his teeth outside the house of a morning and had seen him enter and leave it without his upper cloth, an action which signified that it was his temporary home.

31. The way in which this evidence was met was far from satisfactory. Accused set up the case that Siva actually lived in the house of one Shadagopa Iyengar opposite and took his meals in a brahman hotel belonging to one Rama Iyengar a few doors away. Neither Shadagopa Iyengar nor Rama Iyengar were called as witnesses and the former was not even named among the one hundred and eighty persons and odd who were cited as defence witnesses in the Lower Court. Instead of these two witnesses three brahmin witnesses were examined, the defence witnesses 29 to 31, to testify to the facts which Shadagopa Iyengar and Rama Iyengar should have been called to prove.

From the cross-examination of these witnesses enough was elicited to show that the story was untrue. Amongst the admissions elicited from Vythinatha Iyer, D.W. 29, was the fact that the Sub-Inspector Venkata Varathachary was himself taking meals at Rama Iyengar's hotel.

Now not a single question had been asked of that witness when in the witness box about the subject of Siva taking his meals at the same hotel as himself, and it is scarcely possible that the defence would have failed to ask such questions if the fact had been true or it had been thought of at that time. This is not all. When it was suggested to the witness D.W. 29 that an Iyengar, like the Sub Inspector, and a Smartha Brahmin like the 1st accused, would not have taken food together at the same hotel though the witness averred that there was no objection to such a course, the defence apparently changed their tactics and, instead of putting Rama Iyengar into the box, they put in D.W. 29, Swami Iyer, another hotel keeper altogether, to prove that he supplied Siva with food for 12 days or so.

As regards the absent Shadagopa Iyengar it was elicited that the man was a travelling agent of the Swadeshi Steam Navigation Company who travelled about the country trying to dispose of the shares of that company. It was further elicited that there were no other males than Shadagopa Iyengar himself in his house, so that it was most improbable that Siva could have been domiciled there among his females in his frequent absence. To explain this a witness said Shadogopa Iyengar sent away his wife to her father's house each time he left Tuticorin - the absurdity of which statement appeared when it became known that the wife's relations lived in Cuddalore in the South Arcot District.

On the evidence, as I said before, there is not the least doubt that Chidambaram Pillai, who has a fine house of his own, did in fact provide board and lodging for Subramania Siva during his stay in Tuticorin.

32. As to the 2nd point there is ample evidence and some of it came from the defence side itself. Subramania Siva was a man of no means or influence when he reached Tuticorin whereas Chidambaram Pillai was probably the most influential man in the place. A defence witness asked what lectures he attended, replied with an air of surprise "the lectures of Chidambaram Pillai and Subramania Siva." Another witness D.W. 10, a Vellala, spoke of Chidambaram Pillai as "presiding" at the meetings. It was Chidambaram Pillai who usually closed the meetings and announced the time and place of the next. For the meeting of the 8th March the printed notice in 2nd accused's name (Exhibit M) called the meeting.

When public meetings were prohibited on the 27th February, the notice, Exhibit MI, was issued announcing a private meeting at 5 P.M. to hear the two accused (who were mentioned by name) at the "Dharmasangam" a building that had formerly witnessed one of 2nd accused's unsuccessful industrial experiments. The notice was signed by Shunmugam Pillai, a vakil gumasta of 2nd accused, now an employee of the S.S.N.Company, who assisted 2nd accused's vakil in Court through-out the case. Exhibit M1 forbids public officials to attend the meeting. The police evidence (Memories refreshed by their notes) shows that on 23.2.08, after Siva's seditious speech and

a speech by himself, the 2nd accused announced the meeting of the 24th. On 24.2.08 he similarly announced a meeting for the 25th provided Subramania Siva did not carry his intention of going to Colombo. On 25.2.08, after another seditious speech by Siva, he again announced the meeting for the 26th.

On 1st March after Siva's speech the 2nd accused closed the meeting before 6 P.M. as he had promised the authorities he would do, in order not to interfere with service in the Church. He also announced the meeting for March 3rd. On March 4th he announced the meeting for the 5th. On Sunday 1st March he had been called in by the Inspector and the Sub-Magistrate on his way to the meeting in the hope that he might be induced to change the place of meeting which was fixed for a spot on the beach in front of the English Church. He said he "could not change his programme"; but, as shown above, he did close the meeting before service began in the Church. Lastly on the 9th March in the speech delivered by Siva in the river bed in Tinnevelly when his companions in the 2nd proceedings were present, namely 2nd accused and Padmanabha Iyengar, he made use of the following words in reference to the latter "whereas an individual who is "among those present here, has joined us only 5 or 6 days ago, the District Magistrate has issued an order to him also alleging that he has been with us from the beginning of February."

33. As regards the 3rd matter the evidence is equally clear and to the point. It is proved by the evidence for the prosecution and defence alike that the men constantly spoke on the same platform, and the prosecution evidence shows that they usually came and left together. The 2nd accused's speeches as proved by the police witnesses were, with one or two exceptions, far less violent in tone than those of Subramania Siva, but it is idle to pretend that they show disapproval of, or dissent from Siva's views. They merely indicate that 2nd accused was a more cautious, more practical and therefore more dangerous man than his more outspoken comrade. If he wished to show disapproval he could have deserted Siva after his first seditious speech. It is perfectly clear that the goal of both was 'Swaraj' that is to get rid of the British people and British Government Even Siva in his wildest moods recognises the futility of a resort to arms. "We are unprepared for war. Without actually opposing let us oppose" and 2nd accused, with the ground prepared for him by Siva's speeches, generally proceeded to enlighten the audience in the practical methods of 'passive resistance.'

These methods were "Boycott foreign goods, ruin the European merchant and they will go. Start panchayats and desert the Courts and the officials will go too". But it was 2nd accused who more than once reminded the audience of the disparity in numbers between the Europeans and Hindu population and how the fact

affected the problem. It was 2nd accused who advocated the wrecking of the machinery at the mills when his companion suggested only a strike of the workmen and it was 2nd accused who on the 11th March carried on Siva's parable of the child with the plank pressed down over its head.

34. On the evidence it seems to me the charge against the 2nd accused is fully proved and that he is equally liable with Subramania Siva for every word the latter spoke. There is evidence not merely of conspiracy but also of instigation and intentionally aiding as well. It has been urged that there is no such substantive offence as 'conspiracy' known to the Indian Penal Code and that to enable a conviction for abetment by conspiracy to be held under it, there must be separate evidence to prove the conspiracy in relation to each separate substantive offence charged. The case of Queen Empress versus Subramania 24 Madras, page 61, is relied on. That case is hardly an authority as I observe that the opinion that prevailed was that of the 3 barrister judges who took the opposite view. The point was not discussed by the Privy Council in appeal.

It seems clear that the offences charged against Subramania Siva were committed by him in purasuance of a single continuing conspiracy between himself and Chidambaram Pillai and that the commission of each of these offences in turn made his co-conspirator an abettor of each offence. In the present case however an act connecting 2nd accused with each separate offence has been

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proved. On February 23rd Chithambaram Pillai was present, made a speech practically showing how Siva's goal of "Swaraj" might be attained and announced the next meeting. On February 25th he was present and announced the next meeting though he did not speak. On 5th March he was not present but he had announced the meeting the previous day. The mass of evidence admitted to prove the general conspiracy was admitted under section 10 Indian Evidence Act.

35. The opinion of the Assessor in regard to the 2nd accused was divided as in the case of Subramania Siva. The Christian Assessor was emphatically of opinion that he was guilty and the Brahmin Assessor declared him innocent. For the reasons recorded above I agree with the former and convict the accused of the offences charged namely offences under sections 114, 109, 124A, I.P.C. in respect of Subramania Siva's speeches of 23rd and 25th February and of an offence under sections 124A and 109 I.P.C. in respect of the speech of 5th March.

36. The only question remaining is what sentences should be passed. Enough has been said above to indicate the gravity of the offences. It seems to me that sedition at any time is a most serious offence. It is true the case is the first of its kind in the Presidency but the present condition of other Presidencies where the crime seems to have secured a foot-hold, would seem to indicate that light sentences of imprisonment

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of a few months or may be a year or two, are instances of misplaced leniency. The first accused in one of his speeches glories in the prospect of a conviction and congratulates himself in anticipation on the honours that will be showered on him on his release from jail. He even says that others entertain the same views and expectations.

The first object of a sentence is that it shall be deterrent not to the criminal alone but to others who feel any inclination to follow his example. Here we have to deal with a campaign of sedition which nearly ended in revolt. The accused are morally responsible for all the lives lost in quelling the riots that ensued on their arrest. The maximum penalty that the law permits would not seem to be too severe for such a case. I think however some discrimination may be made in favour of the 1st accused. It seems to me he was a tool in the hands of 2nd accused. The enormous influence that 2nd accused exercised over him is I think evidenced by the statement Exhibit S sent from the Palamcottah jail. The two accused were confined there together and I cannot resist the conviction that that statement was instigated by the 2nd accused. It contains a statement very expressly exonerating the 2nd accused and is so violent in its terms as almost to amount to a confession of guilt. But it was put in at a stage of the proceedings when there was still a bare chance that it might have the effect of

securing the discharge of the 2nd accused, and while the idea that a short sentence of imprisonment would as usual be imposed, was still prevalent in Siva's mind. Even at the trial it was 2nd accused's counsel who argued most vehemently against its admissibility, Subramania Siva also had the grace not to make vile and baseless allegations against the District authorities. For the conduct of the 2nd accused I can see no extenuation. He is evidently disloyal to the core and a man of a type most dangerous to society. The sentence will be that Subramania Siva be transported for 10 years and the 2nd accused Chithambaram Pillai be transported for life.

(Signed) ARTHUR F.PINHEY,
Additional Sessions Judge.

7.7.08

/True copy/

Sd/xxx

WITNESSES EXAMINED FOR THE PROSECUTION.

1. Rajagopalachari (Prosecuting Inspector of Police)
2. Jaffir Hussain Sahib (Inspector of Police)
3. Venkatavaradachari (Sub-Inspector of Police)
4. Kaliyugarama Pillai (Head Constable)
5. R.S.Sundaram Iyer (Sub-Inspector of Police)
6. V.Krishnasami Naidu (Inspector of Police)
7. Viraragava Iyer (Inspector of Police)
8. Joseph Savariraya Pillai
9. M.P.Subramania Iyer
10. Thambusami Pillai
11. Edward Rajappa Pillai
12. Maria Navis Fernandex
13. John Devanayagam
14. Dhiravia Nadar (Sub Magistrate)
15. Mr.E.Chapman

16. Mr.A.Harvey
17. Do. W.J.Dunlop
18. Do. F.G.Westmoreland
19. Do. C.E.Rhenius
20. Do. H.L.Lynsdale, (Superintendent of Jail, Palamcottah)
21. Do. Gnanadhiravia Nadar
22. K.R.Rengasami Iyengar.

Court Witness

Mr.J.Dhurmaranga Raja (Head Quarters Deputy Magistrate, Tinnevelly).

WITNESSES EXAMINED FOR THE DEFENCE

1. Kunjukrishna Menon
2. S.V.Kailasanatha Iyer
3. Gopalakrishna Iyer
4. Mr.S.Ekambaram Iyer (Huzur Sheristadar, Tinnevelly)
5. Venkatachalam Chettiar
6. Avudayappa Pillai
7. Nambi Iyengar
8. Masillamoni Pillai
9. Bravi Roche Victoria
10. Subbaiah Pillai
11. Somasundaram Pillai
12. Menakshinatha Pillai
13. Nallaperumal Pillai
14. Shanmugam Pillai
15. Angappa Asari
16. Krishnasami Pillai
17. Ramanuja Naidu
18. Narayanasami Pillai
19. Sankaranarayana Pillai
20. Yusuf Khan Sahib
21. Subbaraya Pillai
22. S.Chinnasami Pillai

23. Ramasami Naidu
24. Minakshisundaram Pillai
25. Ramakrishna Iyer
26. Ramasami Naidu
27. Chidambara Moopanar
28. Muthusami Pillai
29. Vaidhianatha Iyer
30. Subbier
31. Sami Iyer
32. Sankaralinga Naidu
33. Sivasami Iyer
34. Ganapathiappa Pillai
35. Shanmugam Pillai
36. Tiruvariyan Pillai
37. Venkatachalam Pillai
38. Kuttalam Pillai
39. Kandasami Kavirayar
40. Arumugam Pillai

EXHIBITS FILED ON BEHALF OF THE PROSECUTION

22.3.08	A	Order of the Local Government directing P.W. 1 to file a complaint
19.2.08	B	Notes of speeches made by 1st accused in Tuticorin and taken down by P.W. 2
19.2.08	B1	Do made by 2nd accused in do and taken down by do
19.2.08	B2	Notes of speeches made by 1st accused in Tuticorin and taken down by P.W.2
23.2.08	B3	Do do. do
23.2.08	B4	Do made by 2nd accused in do and taken down by do

25.2.08	C	Do made by 1st accused in do and taken down by do
1.3.08	D	Do do. do
4.3.08	E	Do do. do
5.3.08	E1	Do do. do
21.2.08	F	Report of a meeting held on 19.2.08, sent by P.W. 2 to the Superintendent of Police
21.2.08	F1	Copy of do countersigned by the Sub-Magistrate, Tuticorin and sent to the District Magistrate
24.2.08	G	Report of P.W. 2 to D.S.P.
24.2.08	G1	Copy of do countersigned by the Sub-Magistrate, Tuticorin
27.2.08	H	Report of P.W. 2 to D.S.P.
23.2.08	J	Notes of speeches made by 1st accused and taken down by P.W. 5.
23.2.08	J1	Do. by 2nd accused and do
26.2.08	K	Do. by 1st accused and do
26.2.08	K1	Do. by 2nd accused and do

L	4.3.08	Do. by 1st accused and do
L1	5.3.08	Do. do do
N	8.3.08	Printed notice signed by 2nd accused
M1	28.2.08	Do by P.S.Shanmugasundaram Pillai
M2	28.2.08	Manuscript notice signed by do
M3	29.2.08	Printed notice signed by K.Ulaganatha Pillai
M4	3.2.08	Do by the Young Men's Patriotic Association, Tuticorin
N	23.2.08	Notes of speeches made by 1st accused and taken down by P.W. 4.
N1	23.2.08	Do. by 2nd accused and do
O	4.3.08	Do. by 1st accused and taken down by P.W.5
O1	5.3.08	Do. do. do
P	4.3.08	Printed notice signed by T.R.Sankara-Narayanan
Q	9.3.08	Notes of speeches made by 1st accused and taken down by P.W. 6
Q1	11.3.08	Do. do. do

	Q2	Do. by 2nd accused and do
11.3.08		
	Q3	Do. by 1st accused and do
11.3.08		
	Q4	Do. do. do
11.3.08		
	R	Original article contributed by P.W. 10 to
24.2.08		the "Indian Patriot".
	R1	Do. do. do
28.2.08		
	R2	Copy of the "Indian Patriot"
26.2.08		
	R3	Do
2.3.08		
	S	Statement of 1st accused given to P.W. 20
2.5.08		to be forwarded to the Additional District Magistrate, Tinnevelly.
	T	1st accused's statement in the Lower Court
1.5.08		
	T1	Do do
11.5.08		
	T2	2nd accused's do
1.5.08		
	U	Complaint by P.W. 1 to the District
23.3.08		Magistrate, Tinnevelly.

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EXHIBITS FILED ON BEHALF OF THE DEFENCE.

I	23.3.08	Copy of decoded telegram from the Chief Secretary to Government, Madras, to the District Magistrate, Tinnevelly, to direct the Prosecuting Inspector P.W. 1 to file a complaint.
II	23.3.08	Certified copy of Exhibit 1 with proceedings of the District Magistrate directing the Prosecuting Inspector (P.W.1) to file a complaint
III	24.2.08	Notes of speeches made by 2nd accused and taken down by P.W.2
IIIa	24.2.08	Do. by 1st accused and do
IV	22.2.08	Do. by 2nd accused and do
V	7.2.08	Copy of the 'India' (page 76)
VI	1.3.08	Notes of speeches made by and taken down by P.W. 2.
VII	29.2.08	Order cancelling the order dated 27.2.08 sent to 2nd accused by the Divisional Magistrate, Tuticorin
VIII	4.3.08	Notes of speeches made by 2nd accused and taken down by P.W.2.
IX	22.2.08	Notes of speeches made by 1st accused and taken down by P.W.3
IX a.	22.2.08	Do. by 2nd accused and do. by do
X		Do. by do. and do. by P.W.5.

4.3.08	
XI	Letter from P.W. 10 to 2nd accused
12.2.07	
XII	Do. do
30.1.07	
XIII	Do. from do. to Shunmugasundaram Pillai
3.2.07	
XIV	Pro note executed by P.W. 10 to the manager,
18.7.07	S.S.N. Company Tuticorin
XV	Certified copy of deposition of P.W.13 in P.H.
18.7.07	1 of 08 of the file of the additional District
	Magistrate, Tinnevelly.
XVI	Revenue summons sent to Venkatachalam
6.3.08	Chettiar by P.W. 14.
XVII	Rules of the Prajanyaya Paribalanasabha,
	with a list of members.
XVIII	Letter from 1st accused to D.W. 22
27.5.05	
XIX	Supplemental complaint by P.W. 1 to the
6.4.08	Additional District Magistrate, Tinnevelly.

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G.O.No.1542, Judicial, dt.3rd October 1911.

In the additional court of sessions of Tinnevelly District.

The 7th day of July 1908.

Present: Arthur F.Pinhey Esquire, Additional Sessions Judge.

S.C.No.2 of 1908

Committed by E.H.Wallace Esq., Additional District Magistrate of Tinnevelly (P.R.No.1 of 1908)

King-Emperor	V	Prisoner V.O.Chidambaram Pillai	Defended by Vakil Mr.Shadagopachari

Offence	:	Making seditious speeches with a view to excite disaffection towards the Government and to promote enmity between classes of His Majesty's subjects under sections 124A and 153A, I.P.C.
Assessors	:	Two Brahmins
Opinion of Assessors	:	Guilty
Finding of Judge	:	Guilty as charged
Sentence	:	Transportation for life. This sentence to run concurrently with that passed in S.C. 1 of 08 of this Court against this accused.

Judgment: The accused V.O.Chidambaram Pillai has been committed by the Additional District Magistrate, Tinnevelly on charges under sections 124A and 153A, I.P.C. The charges with which we are at present concerned allege that on the 9th March 1908, in the river bed at Tinnevelly Bridge, in a public speech, the notes of which are appended, he

(1) did bring or attempt to bring into hatred or contempt or did exeite or attempt to excite disaffection towards, the Government established by law in British India and (2) that in the same speech, he did promote or attempt to promote feelings of enmity and hatred between His Majesty's European and Indian subjects.

(2) The case is closely connected with that just disposed of in which Chidambaram Pillai was the 2nd accused, and several preliminary objections were raised, similar to those raised in the other case, with the object of getting the commitment quashed under section 532, Cr.P.C. I need not rediscuss these objections here at length. For reasons already recorded I am of opinion there is nothing irregular in the Government order directing the complaint to be filed. The provisions of section 196, Cr.P.C. have been fully complied with. The complaint falls within the definition given in section 4 cl. k, Cr.P.C. and the District Magistrate I consider was justified in taking action upon it. I am of opinion that his order under section 155 Cr. P.C., though superfluous, was not illegal and even if it was, the error is cured by section 529 (b) Cr.P.C.

3. It was also objected at the outset in this case that the charge should set forth the words constituting "sedition" under both charges. I agree with the Public Prosecutor and the committing Magistrate that the whole speech and not a few isolated phrases must be included in the charge; as the intention of the speeches must be gathered from the whole speech. The charge was framed accordingly.

4. The questions for decision are exceedingly simple. Did the accused utter the words attributed to him; and, if so, were the words uttered with the intention required by sections 124A and 153A ?

5. I will premise by stating the circumstances under which the speech was delivered. In consequence of a number of speeches delivered by the accused, and his companions Subramania Siva and Padmanabha Iyengar, in Tuticorin, the District authorities had found it necessary to prohibit a procession in honour of B.C.Pal, fixed for the 9th March in that town and to take proceedings in Tinnevelly before the District Magistrate against the 3 men under section 108, Cr.P.C. The date fixed for the hearing before the District Magistrate was 9th March. At Tinnevelly a similar procession in honour of B.C. Pal had been arranged for the 14th March; vide Exhibit N, a printed notice inviting subscriptions, signed by five junior pleaders of Tinnevelly Bridge (Veeraragavapuram) one of whom was designated Treasurer. A sixth person not a pleader, signed as Secretary. He is now confined in connection with the riots of the 13th March.

On the 9th March a large yellow printed notice was circulated throughout Tinnevelly and Palamcottah purporting to emanate from the same committee (it is signed by the same Secretary and the Treasurer paid the printer's bill) changing the date of the procession to the 9th March, the date of B.C.Pal's release from jail. Vide Exhibit C.

The procession was duly held and B.C.Pal's photo was carried through the street on an elephant. About 9 P.M., the procession came to a halt at the Tai Poosa Mantapam in the bed of the Thambrapurni river, just opposite to the Government offices.

The Mantapam had been prepared for the occasion. It was decorated with plantains and thoranams and illuminated, as it was here the speeches were to be delivered.

The speakers named in the notice, Exhibit C, however, did not speak. The audience called for speeches from the accused and S.Siva, who were present, and the accused answered the call and made the first speech.

6. The authorities had no reason to anticipate that the accused, who was already being called to account for speeches delivered at Tuticorin, would speak at all. He was not announced to speak in Exhibit C. They however took the usual precautions and both the Inspectors of Police of Tinnevelly and Palamcottah were deputed to attend and take notes.

The Police Inspectors, who are practically the only witnesses for the prosecution in reference to this particular speech, attended together and while Krishnaswami Naidu, the senior Inspector, alone took notes, the two men went through them together the same night at the Police Station and sent a joint report the next morning, the 10th, which was in the hands of their superiors before noon.

7. The gist of the speech made by the accused according to the evidence of the two Police Inspectors was as follows:-

"We are assembled here today to celebrate the release of that great and "incarnate being - Bepin Chandra Pal. The poet Thiruvalluvar has said that every thing will come to pass as preordaned. (Here he quoted the stanza).Pal's Chief aim is to establish 'Swaraj' in India. As soon as the English set foot in India poverty also made its appearance in the country. So long as the foreign Government exists we shall not prosper. So long as we continue to be the servants and slaves of foreigners we shall have to endure hardship. In order to escape from those hardships we must adopt three methods - Swadeshism and boycott. The English first came to our country as traders. They created factions among us and appropriated our country. We shall follow their example and get back the country in the same way by mercantile methods. If you ask how I will tell you. Three fourths of the English men now in India are traders. If we all unite and make up our minds not to purchase their goods what business will they have here? They must all run away back to their country. Besides if we avoid going to their ruinous? accursed?'Palay-pona' is the word) Civil, Criminal, and Police Courts, the remaining one fourth of the English will have no work to do. Then all the white men will run away from our country. Therefore brothers we are all children of mother India. No matter to what creed we belong, Hindu, Mahomedan, Christian or Bhudhist, we must set aside our differences, Join to-gether, and as stated above take an oath in Thambraparni water and swear to boycott whatever is foreign. I assure you that in three months' time we shall obtain'Swaraj'. Being

33 crores of people how astonishing it is that we are slaves to 3 crores. The cause of our growing poorer day by day is that 180 crores of Rupees are carried away each year in steamships to a country 6,000 miles away. What country can stand such treatment as this? Some pretend they are patriots and say that swadeshism is good but add that boy-cott of foreign goods is unnecessary. They are mistaken. I tell you plainly boycott is necessary. According to the proverb, "that which is high will fall low and that which is low will be exalted." So our country which was formerly great has fallen very low. Now the time has arrived for it to return to its former high position. In token of your having taken a vow to boycott foreign goods you should all cry 'Bande Matharam'. (All shouted accordingly). The English at Tuticorin realizing that we have become united, got afraid and went and slept, on board the ships. The Collector sent for me and told me that if I went away to Bombay for six months no action would be taken against me. Sirs! What justice is this? At Tuticorin the Police are put to guard the houses of the white men. There is no need for this. We applied for an adjournment of the white men. There is no need for this. We applied for an adjournment of the case against us for the purpose of transfer. The District Magistrate promised to grant an adjournment if I promised not to go to Tuticorin. I replied I could not accept the condition."

8. The case for the accused is that the notes were not taken at the time but were prepared subsequently from the oral statement of some spy. It is said Krishnaswami

Naidu was not present at the meeting though it is admitted that the Palamcottah Inspector Veeraragava Iyer was. It is said the accused made no reference to Europeans or the foreign Government or his case in the District Magistrate's Court; but, being an enthusiast on the subject of "The industrial regeneration of his country", after a brief reference to Pal and his aims, lectured on the subjects of swadeshi, boycott and national education. He ascribes his prosecution to a plot to ruin him in which the District authorities, from the District Magistrate down words, are concerned and in which the prime movers are the B.I.S.N. Company, the rival of his Swadeshi Steam Navigation Company.

9. That the Inspectors both attended the meeting and that the notes were taken by Krishnaswami Naidu under the circumstances mentioned by him there can be no doubt. The court visited the Mantapam and the apparent discrepancy between the statements of the Inspectors as to the seats they occupied disappeared at once. It appears they were seated on a ledge of the Mantapam itself some 3 feet below the main floor in the south-east corner. I have no doubt there was ample light from a lamp over-head. The speaker may have been fluent, but that would not prevent the taking of notes, and even sentences verbatim, to a sufficient extent to make a connected and readable abstract. The speaker was addressing a large audience. The neatness of the notes, as I demonstrated to the Assessors, was no evidence of their falsity. The misquotations from Thiruvalluvar are, to my mind, evidences of the genuineness

of the notes and so are the one or two other imperfections discovered. If the notes had been prepared after the speeches at the Police Station, they still might have been used to refresh the memories of the Inspectors under section 159 Indian Evidence Act. There is therefore no object for the Inspector to commit perjury and say that they prepared them on the spot if this were not a fact. The notes, however, are too full, in my opinion, to be the product of a subsequent conference. Krishnaswami Naidu is a new comer to this District. He arrived only in September 1907. As both Inspectors were in plain clothes the new man might easily have escaped recognition. The Palamcotta Inspector was admittedly present when the speech was delivered.

10. The defence evidence is entirely worthless. The holding of the meeting was in itself an act of sedition. Vide Exhibits C and N. Exhibit C explains why B.C. Pal was convicted and confined and to hold a procession to honour such a man and set him forward as a public example to be followed, could only have been done with the object of bringing the Government, whose laws had punished him, into hatred and contempt or of inducing others to defy it. The word 'otherwise' in section 124A would cover such an act. No reliance can therefore be placed on the word of persons who promoted such a meeting and encouraged it by their presence. Their evidence is too interested to be of value. There is no doubt that many persons realized the danger.

The President named in Exhibit C either did not attend or slipped away at an early stage. He was a Vakil of some position apparently and the defence did not examine him. Some of the witnesses admit they left after the first speech and the reasons they assign of so doing are not convincing. Some idea of the miserable exhibition these disloyal men afforded in the witness box may be gathered from a perusal of their evidence when under cross examination. I refer especially to such men as D.W.2, T.V. Krishnaswami Iyer, and D.W.4, Ganapathi Sastri.

11. As to the intention with which the words were uttered, and whether they are criminal or not, we have much evidence besides the words themselves. Such evidence consists chiefly of the notes of similar speeches made earlier at Tuticorin, and one speech made on the 11th March in the same river bed at Tinnevelly in front of the Court from which the accused and his companions had just emerged. The reasons for believing the Police evidence regarding the Tuticorin speeches were fully discussed in the connected case and need not be reiterated here. The other Tinnevelly speech was also noted by Krishnaswami Naidu. The defence itself relies on some of the Police Officers' notes and has filed them. A consideration of the evidence leads usto the conclusion that the apostle of 'Industrial regeneration' was in reality an apostle of 'swaraj', and that he preached boycott, swadeshi, punchayets(to take the place of Courts) and national education as some of the paths leading to that goal.

While so preaching he constantly associated with himself another, and a much more plain spoken man, without attempting to restrain the latter's language. He did not attempt to conceal his ulterior aim and took care to remind his hearers, in speeches that remind us of Antony's funeral oration, of the disparity in numbers between the European and native population. "There are only five English men in Tuticorin and ten men would be enough for them but the Indians should not use force" and so on. His practical methods were not confined moreover to the boycott of foreign goods. He brought about the strike at the Coral Mills and got up subscriptions for the mill hands to prolong the strike, though the industry was one giving employment and food to hundreds of his compatriots. The only apparent reason was that the management was in European hands and the capital presumably came from the same source.

12. When the present speech is read in the light of all the evidence it is impossible to resist the conviction that the accused acted with the criminal intent referred to in sections 124A and 153A. Hatred of the Europeans and the foreign Government is the Keynote of the speech. The charactor of the audience must be considered.. The Mofussil cooly, as I have observed before, draws no clear distinction between European official and non-official and to his mind the departure of the one class involved the absence of the other, as accused himself pointed out. "Absolute swaraj is our goal" was the second head line in Exhibit C and accused constantly used the word in his speeches..

Whatever meaning may be attributed to the word 'swaraj' by educated Indians amongst themselves, it is perfectly clear that the cooly on the Tuticorin beach or the dole fed coolies in the Tambraparani river bed (Exhibit C offers free food to six hundred people as an inducement to attend the procession) understood by the word, when associated with the proposal to drive out the Europeans, nothing else than the substitution of a Native Raj for the British one. Self government in any shape or form is not an oriental conception. The uneducated Indian does not understand it and would not have it if he did. If the British Government left tomorrow, he would not ask for a vote, but for a Raja to protect him from external and internal foes alike. There is no doubt that those who preach 'swaraj' appreciate this fact very well and under the guise of a word that has been held to describe the "legitimate aspirations of the Indian people" are really inciting the ignorant people to revolt against the foreign Government. The acts of the mob at Tinnevelly 4 days later, when the speakers were arrested would seem to show what construction they put upon his words and those of his associates. They wrecked and fired every Government building in Tinnevelly Town except the Sub-Registrar's office and when met by the reserve police appealed to them as Swadeshis to come over and join them and help shoot the white men.

13. The two Assessors, both educated English speaking Brahmins, apparently entertained no doubt of the accused's intention. The theory of industrial regeneration

was apparently one they were unable to accept, or if they did, they were apparently of opinion that accused's remarks exceeded the limits of legitimate criticism. They were agreed in declaring that the accused was guilty under both heads of charge. With this opinion I entirely concur. I therefore convict the accused of the offences charged punishable under sections 124A and 153A.

14. I am of opinion that the accused is disloyal to the core and a most dangerous man. He has already been sentenced to transportation for life in the connected case for abetting a comrade in the commission of the offence of sedition on other occasions. The same sentence, though it is only nominal, for it must per force be concurrent, will be passed in the present instance under section 124A. I pass no separate sentence under section 153A because it seems to me the lesser is included in the greater offence.

(Signed) ARTHUR F. PINHEY,
Additional Sessions Judge.

7.7.08

/TRUE COPY/

WITNESSES EXAMINED FOR THE PROSECUTION.

1. V.Rajagopalachari, Prosecuting Inspector of Police
2. Krishnasami Naidu, Inspector of Police
3. Viraragava Iyer, Inspector of Police
4. Mr.D.E.T.Cameron
5. Mr.Herbert Champion
6. Jaffir Hussain Sahib, Inspector of Police
7. Venkatavaradachari, Sub-Inspector of Police.

WITNESSES EXAMINED FOR THE DEFENCE.

1. R.Rama Rao
2. T.V.Krishnasami Iyer
3. R.Srinivasa Iyer
4. A.Ganapathi Sastri
5. V.A.Bhuminatha Mudaliar
6. Subbaraya Pillai
7. Kandaswami Kavirayar
8. Ponnambala Mudaliar
9. The Honorable Mr.K.R.Gurusami Iyer
10. Augayakannu Mudaliar
11. Kanuko Kuthalingam Pillai
12. Muthusami Pillai
13. Sankaralinga Nadan
14. Avudaiyappa Pillai
15. Lakshmapathi Naidu
16. Mahomed Usman
17. Ramasami Naidu
18. Chidambara Moopanar
19. Shunmugam Pillai
20. Krishna Pillai.

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21. Tiruvar?yan Pillai

22. Subramania Pillai

23. Chokkalingam Chettiar

24. Mariappa Pillai

25. Arumugam Pillai

26. Kuthalingam Pillai

27. Anantham Pillai

EXHIBITS FILED ON BEHALF OF THE PROSECUTION.

A 22.3.08	Order of the Local Government directing P.W. 1 to file a complaint (same as Exhibit A in S.C. 1 of 08)
B 23.3.08	Complaint put in by P.W.1 before the District Magistrate
C 4.3.08	Printed notice signed by T.R.Sankaranarayanan (Same as Exhibit P. in S.C. 1 of 08)
D 9.3.08	Notes of speeches made by the accused and taken down by P.W.2(same as Exhibit Q series in S.C. 1 of 08)
E 19.2.08	Do do. and do. by P.W.6 (Same as Exhibit B1 in S.C. 1 of 08)
F 23.2.08	Do. do. do (Same as Exhibit B1 in S.C. 1 of 08)
G 21.2.08	Copy of the report of P.W. 6 counter-signed by the Sub-Magistrate, Tuticorin and submitted to the District Magistrate, (same as Exhibit F1 in S.C. 1 of 08)
G1 24.2.08	Copy of the report of P.W. 6 to D.S.P.counter-signed by the Sub-Magistrate, Tuticorin (same as G1 in S.C. 1 of 08)

G2 21.2.08	Report of P.W.6 sent to D.S.P.(same as F in S.C. 1 of 08)
G3 24.2.08	Do. do (same as G in S.C. 1 of 08)
H 28.2.08	Printed notice signed by P.S.Shunmugasundaram Pillai (Same as M1 in S.C. 1 of 08)
H1 28.2.08	Manuscript notice signed by do (same as M2 in S.C. 1 of 08)
H2 29.2.08	Printed notice signed by K.Ulaganatha Pillai (same as M3 in S.C. 1 of 08)
J 8.3.08	Do. signed by the accused (same as M in S.C. 1 of 08)
K 23.2.08	Notes of speeches made by the accused and taken down by P.W.7(same as J1 in S.C. 1 of 08)
L 23.2.08	Do. do. and do. by Kaliyugarama Pillai, Head Constable, (same as N1 in S.C. 1 of 08)
M	Statement of the accused in P.R.No.1 of 08 in the Lower Court.
N	Printed notice signed by D.W.4 and 5 others.
O 27.2.08	Order by D.W. 2 to the Proprietor of the Press to print Exhibit N
O1 27.2.08	Original of Exhibit N.
P 15.6.08	Deposition of D.W. 6 in S.C. 1 of 08

EXHIBITS FILED ON BEHALF OF THE DEFENCE.

I 23.3.08	Copy of deceded telegram from the Chief Secretary to Government, Madras, to the District Magistrate, Tinnevelly, to direct the Prosecuting Inspector (P.W.1) to file a complaint (same as Exhibit 1 in S.C.1 of 08)
II 25.3.08	Proceedings of the District Magistrate to P.W. 1 to hold investigation
III 23.3.08	Certified copy of Exhibit 1 with the Proceedings of the District Magistrate directing P.W.1 to file a complaint (same as Exhibit II in S.C. 1 of 08)
IV 23.3.08	Warrant issued against the accused by the District Magistrate
V 3.2.08	Printed notice circulated in the name of the Young men's Patriotic Association, Tuticorin (same as Exhibit M4 in S.C. 1 of 08)
VI 22.2.08	Notes of speeches made by the accused and taken down by P.W.6 (same as Exhibit) IV in S.C. 1 of 08
VII 7.2.08	Copy of the "India" p.76 (same as Exhibit V in S.C. 1 of 08)
VIII 24.2.08	Notes of speeches made by the accused and taken down by P.W. 6
IX 29.2.08	Order cancelling the order dated 27.2.08 sent to the accused by the Divisional Magistrate, Tuticorin (same as Exhibit VII in S.C. 1 of 08)

X 1.3.08	Notes of speeches made by the accused and taken down by P.W.6 (same as Exhibit D in S.C. 1 of 08)
XI 4.3.08	Do. do do. (same as Exhibit VIII in S.C. 1 of 08)
XII a 28.2.08	Letter from Mr.Bracken (Divisional Magistrate, Tuticorin) to accused.
XII b 29.2.08	Do. do.
XIII 6.2.08	Joint report of P.W. 6 and the Sub-Magistrate, Tuticorin, of the meetings held from 3rd to 6th February by the accused
XIV 12.3.08	Petition by the accused and two others to the District Magistrate offering security in Mis.case No.4 of 08.
XIV a 12.3.08	Petition by do. to do. praying for adjournment and offering security in do
XV 20.3.08	Order of the High Court of Crl.M.P.No.73 of 08 releasing the accused and two others on bail.
XVI	Plan of the Taipoosa Mantapam
XVII 4.5.08	Extract from deposition of P.W. 21 in P.R. 3 of 08 on the file of Additional District Magistrate Tinnevelly.
XVIII 16.4.08	Petition by this accused in P.R.2 of 08 on the file of do
XIX 16.4.08	Do. by Subramania Siva in do.

To
The Superintendent of Police of Palamcottah
with 3 spare copies.

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G.O.No.1542, Judicial, dt.3rd October 1911.

Page No.22 to 33

In the High Court of Judicature at Madras.

Wednesday the fourth day of November, One thousand nine hundred and eight

Present:

The Honourable Sir Charles Arnold White, Chief Justice

AND

The Honourable Mr. Justice Miller

CRIMINAL APPEALS NOS. 491 AND 503 OF 1908

V.O.Chidambaram Pillai	..	Appellant in Criminal Appeal No.491 of 1908 (2nd Prisoner)
Subramania Siva	..	Appellant in Criminal Appeal No.593 of 1908 (1st prisoner)

Appeals against the sentences of the Court of the Additional Sessions Judge of the Tinnevelly Divisions in Case No.1 of the Calendar for 1908.

These appeals coming on for hearing on Tuesday to Friday, Monday to Friday, Monday and Tuesday, the 6th to 9th, 12th to 16th, 19th and 20th days of October 1908. Upon perusing the petitions of appeal and the record of the evidence and proceedings before the Court of the Additional Sessions Judge, and upon hearing the arguments of Mr.A.S. Gowdell, Counsel for the appellant in Criminal Appeal No.503 of 1908, of Mr.R.Sadagopachariar, Mr.V.Venkatachariar and Mr.C.Narasimhachariar, Vakils for the appellant in Criminal Appeal No.491 of 1908 and of Mr.T.Richmond, Counsel on behalf of the Crown, in support of the convictions of the appellants in both the appeals and the appeals having stood over for consideration till this day,

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the Court delivered the following Judgment in Criminal Appeal No.503 of 1908:-

This is an appeal by one Subramania Siva against his conviction by the Additional Sessions Judge of Tinnevelly for offences under section 124A, Indian Penal Code and against the sentence of 10 years' transportation. Subramania Siva was tried together with one V.O.Chidambaram Pillai who was charged with the abetment of the offences charged against Subramania Siva the first accused.

Several points of law were taken on behalf of the first accused by his Counsel Mr.Cowdell in connection with the institution of the criminal proceedings.

The first point raised was that the order of Government on which the proceedings were instituted did not satisfy the requirements of section 196 of the Code of Criminal Procedure. This section enacts; "No court shall take cognizance of any offence punishable under chapter VI of the Indian Penal Code (except a section 127), or punishable under section 108A, or section 153A, or section 294A, or section 505 of the same Code, unless upon complaint made by order of or under authority from, the Governor-General in Council, the Local Government, or someofficer empowered by the Governor-General in Council in this behalf." The order of Government directing the prosecution is dated the 22nd March 1908 (Exhibit A). The substance of this order was telegraphed in cypher by Government to the District Magistrate of Tinnevelly on the 23rd March 1908 (Exhibit I).

On the morning of the 23rd March 1908, the District Magistrate gave to the Prosecuting Inspector of Police an extract from this telegrams and orally instructed him to file a complaint. The complaint against the 1st accused (Exhibit U) was filed the same day along with Exhibit I. Exhibit A is in these terms:- "Under the provisions of section 196 of the Criminal Procedure Code, the Madras Government authorises the institution of criminal proceedings against Chidambaram Pillai, Subramania Siva and Padmanabha Aiyangar under sections 124A, 153A and 505 of the Indian Penal Code in respect of speeches delivered by them at Tuticorin and Tinnevelly in the months of February and March 1908. The Prosecuting Inspector, Tinnevelly, is directed to prefer without delay complaints of offences under the above sections before the District Magistrate, Tinnevelly, against the above said three individuals".

What sections 196, Criminal Procedure Code, requires is that the complaint should be made upon authority from the Local Government. The order in this case (Exhibit A) States the sections under which the institution of the Criminal proceedings is authorised, and, in general terms, the times when the speeches, in respect of which the proceedings were authorised, were delivered. In our opinion, there is nothing in the section to warrant the construction that the actual complaint must be expressly authorised by the Local Government. In queen Empress V. Bal Gangadhar Tilak, I.L.R. 22 Bom. 122, the order was more general in its terms than the order in the present case,

and Mr. Justice Strachey held that the requirements of section 196, criminal Procedure Code, were satisfied. He pointed out that the section did not prescribe any particular form of order and did not even require the order to be in writing; and the same view was taken by the full Bench of the Bombay High Court on an application for leave to appeal to the Privy Council (see page 150 of the same case). In Apurba Krishna Bose V. Emperor reported in 7 Calcutta Law Journal, page 49, the authority given by the Government would seem to have been quite as general in the terms as the authority given in the present case, and the Calcutta High Court was of opinion that the authority was sufficient. The only question which the Court has to consider with relevance to section 196, Criminal Procedure Code is - "Is the complaint which I am asked to entertain a complaint made by order or under authority of Government?" The answer in the present case is necessarily in the affirmative.

The next point taken on behalf of the 1st accused was that there had been no legal "complaint" at all in this case. The complaint, Exhibit U, was put in by the Prosecuting Inspector of Police for the Tinnevelly District. "Complaint" is defined in section 4(h) of the Code of Criminal Procedure as not including the report of a Police Officer. Mr. Cowdell's point was that Exhibit U, was a 'Police report' and not a 'complaint'. A complaint is none the less a complaint because it is put in by a police-officer. In our opinion "the report of a Police

officer" must be some statement made in connection with, or at least under colour of, the duty of the maker as a police officer. It is not the duty of a Prosecuting Inspector to make reports of offences to Magistrates under section 124A of the Indian Penal Code. In the present case the Government directed the Prosecuting Inspector to make a complaint just as in Queen Empress V. Bal Gangadhar Tilak, I.L.R, 22 Bom. 112, it directed the "Oriental Translator to Government" to make the complaint. His complaint is the statement of the officer of Government obeying the order of Government. In King Emperor V. Sada, I.L.R. 26 Bom. 150, it was held that, where a police-officer files a formal complaint in a non-cognizable case, he cannot be said to make a report and his complaint falls within the definition of "complaint" in section 4(h) of the Criminal Procedure Code, 1893.

We are also of opinion that there was no informality in the complaint on the ground that it did not set out the speeches of the alleged seditious words which were the subject matter of the subsequent charge. In Queen Empress V. Bal Gangadhar Tilak, I.L.R, 22 Bom. at page 150 there is a dictum to the effect that the complaint should contain the article complained of to give information to the accused of the charge against him. With great respect to the learned Judges who composed the Full Bench in that case we think that dictum is too widely expressed and goes beyond what the law requires. We agree with the Additional Sessions Judge that the complaint is not

intended to give information to the accused. It is not suggested that the summons or warrant issued to secure the attendance of the accused must set out all the facts on which he is to be charged, and, if not they, why the complaint ? Even if the complaint were defective in that it did not set out the dates of the speeches and the nature of the alleged seditious matter, this is at most as irregularity within section 537(a) of the Code of Criminal Procedure, and, as a Court of Appeal we cannot reverse the conviction on this ground unless the irregularity has in fact occasioned a failure of justice. It is impossible to say it has done so. The accused, before he was committed, know all the facts on which the prosecution relied and it has not been suggested that he had not time after these facts were all disclosed to prepare his defence.

The Magistrate took cognizance of the complaint under section 200 of the Code of Criminal Procedure. Subsequently he made an order, (Exhibit II in Criminal Appeal No.492 of 1908 on the file of the High Court) directing the Prosecuting Inspector to investigate the complaint. The Magistrate having duly taken cognizance of the case, the order to the Procecuting Inspector to investigate the complaint, assuming, for the sake of argument, the Magistrate was not empowered by law to make the order, did not affect the validity of the subsequent proceedings (see section 529(b) of the Code of Criminal Procedure).

The points with which we have so far dealt have reference to the preliminary stages of the case. With reference to the trial in the Sessions Court Mr.Cowdell raised the point that the 'charge' was insufficient on the ground that it did not fulfil the requirements of section 222 of the Code of Criminal Procedure. The charge is in these terms:-

First - That you, on of about the 23rd day of February 1908 at Tuticorin, in a public speech, did bring or attempt to bring into hatred and contempt or excite or attempt to excite disaffection towards the Government established by law in British India, and thereby committed an offence punishable under section 124A of the Indian Penal Code, and within the cognizance of the Court of Sessions.

Second - That you, on or about the 25th day of February 1908 at Tuticorin, in a public speech, did bring or attempt to bring into hatred or contempt or excite or attempt to excite disaffection towards the Government established by law in British India, and thereby committed an offence punishable under section 124A of the Indian Penal Code, and within the cognisance of the Court of Sessions.

Third --That you, on or about the 5th day of March 1908 at Tuticorin, in a public speech, did bring or attempt to bring into hatred or contempt or excite or attempt to excite disaffection towards the Government established by law in British India, and thereby committed an offence

punishable under section 124A of the Indian Penal Code, and within the cognizance of the Court of Sessions.

The charge, no doubt, contains particulars as to the time when, and the places at which, the alleged seditious speaches were delivered. But we think it was defective in that it did not set out the speeches or the passages in the speeches which the prosecution alleged to be seditious. It is not necessary for us to consider whether, under the law of England, this charge as an indictment would be good. The Indian Legislature, in addition to the general provision contained in section 537, Criminal Procedure Code, has expressly provided that formal defects shall not in themselves vitiate a charge. Section 225, Criminal Procedure Code, enacts; "No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice." The principle of illustration (b) to this section seems to us to be applicable to the present case.

The first accused was represented by Counsel before the Committing Magistrate, and no objection was taken to the form of the charge as framed by him; and no objection was taken before the Sessions Court until Mr.Cowdell came to some of the case for the defence. In considering this point, regard must be had to the fact that the objection was not raised till a very late stage in the proceedings. See explanation

to section 537, Criminal Procedure Code. The accused could have stated his objection to the form of the charge when it was read to him in the Magistrate's Court under section 210(2) of the Code of Criminal Procedure. He did not do so. He had another opportunity when the Additional Sessions Judge called on him to plead. He did not avail himself of that opportunity. It was not until after he had examined all his witnesses that he complained of the form of the charge. The first accused was fully aware, from the proceedings before the Committing Magistrate, of the passages in the speeches upon which the prosecution relied as being of a seditious character. He called 25 witnesses before the Sessions Court and had full opportunity of meeting the case put forward by the prosecution. A similar objection to a charge was raised in the case of Queen Empress V. Anant Puranik reported in I.L.R. 25 Bom. 90. The learned Judges pointed out that the accused in that case was defended by able pleaders who could have no difficulty in finding out from the committal proceedings the offence alleged against the accused and they held that he had not been prejudiced by the irregularity. Notwithstanding the omission of the particulars which, in our opinion, the charge ought to have contained, we are certainly not prepared to say that the first accused was in fact misled by the omission and that the omission his occasioned a failure of justice.

Exception was also taken to the way in which the notes of the police-officers of the speeches made by the first accused were dealt with by the Additional Sessions

Judge. The notes were "filed" and marked as exhibits in the case. No one, of course, would suggest that these notes were, in themselves, evidence. What happened at the trial was this. The police-officers using their notes for the purpose of refreshing their memory give evidence in accordance with their notes. The learned Judge did not record the whole of this evidence but only such portions of it as the prosecution relied on. He then allowed the notes themselves to become part of the record in the case. This, it seems to us, was done quite as much in the interest of the accused as in the interest of the prosecution. The first accused has relied upon the full notes of the speeches, as he is, of course, entitled to do, as explaining and qualifying the extracts which are recorded by the Judge; and he has himself, put in evidence certain notes of speeches, as taken by the police (See Exhibit III(a) and Exhibit IX). At an early stage of the examination-in-chief of the 2nd witness for the prosecution as appears from the learned Judge's notes - see page 6 of the printed evidence it was agreed by both sides that the witness should read out his notes and the notes themselves should be "filed" to save the time and labour in recording them. At page 17 of the printed evidence, we find the following note by the learned Judge; "(Note: At the request of Mr. Shadagopachari" (who appeared for the Second accused)" the whole speech of 19.2.08 is marked Exhibit B1, and not merely the portion translated in the deposition) (Similarly with regard to the other speeches exhibited as B, C, D and E series).

(The whole of these have already been read out by the witnesses though only such portions were entered in the depositions as P.P.considered material)"

The first accused was represented by Counsel at the time it was agreed that this course should be adopted. Mr.Cowdell, who came into the case at later stage, took objection with reference to the filing of the notes of a speech made by one Gnanasigamani Mudaliar. When this objection was taken, this speech had not been proved by the oral evidence of any of the witnesses, and it could not, of course, be suggested that these notes were evidence. Mr.Cowdell's objection with regard to these particular notes is well founded. There is no note of any other objection by Mr.Cowdell. But in the argument of the appeal he stated to us that he took a general objection to the 'filing' of any of the notes of speeches. But he does not state that he took this objection until he came to sum up the case for the defence. With regard to the speeches which were proved by the oral evidence of the witnesses, we are of opinion that, in the circumstances stated, the learned Judge was right in allowing the notes of the police-officers to become part of the record in the case.

A further point raised in the appeal was that evidence which was admitted by the learned Judge of speeches by the first accused, other than the speeches which formed the subject matter of the charge, was not relevant

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and ought not to have been admitted. We are of opinion that where there is a series of speeches or lectures on one topic, all delivered within a short period of time, one may be considered for the purpose of throwing light on the real meaning and intent of another, and on the state of mind of the speaker with reference to the object matter of the other speeches. This principle is recognised in illustration (e) to section 14 of the Indian Evidence Act and has been acted on, in cases of prosecutions for sedition in all the other High Court in India. Such evidence was held admissible in the case of Queen Empress V.Jogendra Chunder Bose reported in I.L.R. 19 Cal. 35-see page 46 in the case of Emperor V.Phanchandra Nath Mitter, I.L.R. 35 Cal, 945 and in the case of Queen Empress V.Bal Gangadhar Tilak, reported in I.L.R. 22 Bom. 112. In charging the jury in that case - page 139 Mr.Justice Strachey said: "You will thus see that the whole question is one of the intention of the accused in publishing these articles. Did they intend to excite in the minds of their readers, feelings of disaffection or enmity to the Government ? Or did they intend merely to excite disapprobation of certain Government measures? "It was also held admissible in the case of Queen Empress V.Amba Prasad I.L.R. 20 All. 55 by a Full Bench of the Allahabad High Court. In delivering the judgment of the Full Bench, Sir John Edge, on page 69, said: "The intention of a speaker, writer or publisher may be inferred from the particular speech, article or letter, or it may be proved from that speech, article or

letter considered in conjunction with what such speaker, writer or publisher has said, written or published on another or other occasions" We may also refer to the Judgement of the majority of the Judges sitting in the Court for the consideration of Crown Cases Reserved in Rex V. Bond (1906) 2 K.B.389.

A further point taken by Mr.Cowdell was with reference to the document marked as Exhibit S. When asked, by the Committing Magistrate, if he wished to make any statement, the first accused said that he did not. The following day he made a statement to the Superintendent of the District Jail and asked that it might be placed on record. The Superintendent forwarded the statement to the Magistrate. The Magistrate sent for the first accused and examined him with reference to this statement; and on learning that he wished to file it in the case, the Magistrate filed it (Exhibit S).

We are of opinion that this statement in the circumstances in which it was made, is admissible as evidence under section 297 of the Code of Criminal Procedure and is evidence of intention, which is relevant to the charge under section 124A of the Indian Penal Code.

Even if we regard the statement, as Mr.Cowdell has invited us to do, as a written statement put in under section 256 of the Code of Criminal Procedure, it seems to us it is none the less admissible as evidence of intention. The statement is in the following terms.-

"1. When the Court asked me yesterday it I wished to make any statement, I did not wish to do so and accordingly said the same. Today I wish to make a statement and accordingly make the following one.

"2. I am a Sanyasi. My mission is to propagate the principles of Mukthi and also the ways to attain it. Mukthi for a soul is freedom from all foreign boundages. Mukthi for a nation is freedom from all foreign control, that is, Absolute swaraj. Accordingly I preached to my countrymen the gospel of Swaraj and also the ways to attain it viz. Boycott - boycott of all that stands in the way of my nation's attaining Swaraj - Passive Resistance and National Education.

"3. During the last four years I have travelled through and propagated my mission in various places in the States of Cochin and Travancore and in the Districts of Tinnevelly and Madura. Early in February this year, I went over to Tuticorin and preached my gospel to my countrymen there till the 9th March 1908 and then on the 9th and 11th March I did the same in Tinnevelly. It is sheer non-sense to say that anybody induced me to deliver lectures at Tuticorin or Tinnevelly.

"4. The so called notes of my speeches filed by the prosecution are not true and correct but garbled and dis-torted. They contain many passages which I never spoke. It is absured to say that my speeches have caused discon-tent, disloyalty and ill-feeling towards the Government and the Europeans. Unless a man really suffers from a

disease, he cannot be made by others to feel the pain of that disease. Similarly, unless there are real causes for discontent & c., among the people, it is foolish to say that such can be spread through a man's speech.

"5. From the time when the English got the administration of the country in their hands, the people of India felt discontented and dissatisfied, since the former acquired the country not as a direct conquest nor as a donation but as the result of many tricks and treacheries played by them, such as alienating Commanders from Rulers, executing false documents committing forgeries, cheating simple-hearted men, etc. This discontent grew more and more in the hearts of the people till at last it burst into a volcano in 1857. At that crisis, Queen Victoria came to the front of the stage, covered the eyes of the people with the magical veil of Magna Chartas and hypnotised them. Viceroys after Viceroys came to India and held out delusive hopes to the people by words, but acted otherwise.

"6. The most atrocious Arms Act was passed which deprived the natives of the soil from the free use of arms; Laws were passed in the land giving greater privileges to the Europeans than to the natives of the soil. Under the name of various taxes, The life blood of the people was sucked. Famines, plague and internal dissensions made the country their permanent home. The foremost province of the country was divided into two against the wish to the whole nation simply to divide and rule.

Two of the eminent sons of the country were deported for no cause whatever shown till now. Several leaders of the people were thrown into prison under false pretext of Law. Armenian horrors were perpetrated, terrible riots and outrages committed in the country. Mischievous laws and unreasonable orders were passed. Trials of criminal cases became mere farces.

"7. These in human and cruel measures of the Government made the people feel its absoluteness and the necessity for its change. It is but natural that the people would feel so. Great saints have said:-

"கொலை மேற்கொண்டாரிற் கொடிதேயலை மேற்
கொண்டல்லவை செய்தொழுகும் வேந்து"

(A King doing injustice (to people in view of money) is worse than a murderer).

"வேலொடு நின்றான் இடுவென்றது போலும்
கோலொடு நின்றா னிரவு"

(A cruel king exacting money (tax) from people, by oppression, is like robber demanding by ill-treatment the travellers to give up property).

"Every right thinking man will work to put down vice and to establish virtue in its stead. Accordingly the people of India are now trying to establish, in the place of the foreign Government their Swaraj".

We have now dealt with all the points of law taken by Mr.Cowdell on behalf of the 1st accused.

The two main questions we have consider in this appeal are (1) have the prosecution proved that the words which they allege to be seditious were in fact

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spoken by the first accused, and if so, (2) do the words come within the provisions of section 124A of the Indian Penal Code.

Meetings were held and speeches delivered almost daily from the 3rd February to the 11th March 1908. Most of the speeches were delivered on the beach of Tuticorin. On the 22nd, 23rd and 25th February 1908, speeches were delivered at Hindu Temples in Tuticorin.

The first charge is with reference to a speech alleged to have been made at a temple on the 23rd February 1908. Evidence as to this speech was given by the 2nd witness for the prosecution, Police Inspector Jaffer Hussain, by the 3rd witness for the prosecution, Sub-Inspector Venkatavarada Chari, and by the 4th witness for the prosecution, Head Constable Kaliyugarama Pillai. The evidence of these witnesses was recorded by the learned Judge in the manner we have described; and the notes taken by them were filed in the circumstances already stated and marked respectively Exhibits B3, J and N.

The second charge is with reference to the speech alleged to have been made at another temple by the first accused on the 25th February 1908. Evidence as to this speech was given by the 2nd witness for the prosecution. The notes were filed and marked as Exhibit C.

The third charge is with reference to a speech alleged to have been made by the first accused on the 5th March 1908. Evidence as to this was given by the 2nd witness for the prosecution and the 5th witness for the prosecution. These notes were marked respectively Exhibits E1 and O1.

The following are the notes of the speech of the 23rd February 1908 as taken by the 2nd witness for the prosecution:- "In order to obtain Swaraj they must try their best to struggle and put down oppression. When God's creation is oppressed, He himself would come forward under incarnation to put it down. The present state of affairs are in just need of an incarnation to put down high handedness. There are now two factions. One of those that rule and the other of those that are ruled. My object is that there should be no faction and all should move harmoniously. 17,000 fire arms were stolen from Fort William. The Magistrate of Dacca was shot. But the authorities failed to detect those cases. Such being the case what help the people of India could expect from Government ? Every year they, Europeans take home Indian leaving behind currency notes. The Indian are very kind towards their servants but the Europeans mercilessly exact work from the Indian servants. About a lakh of rupees is taken away every year to England from India for poor fund. If Indian coolies strike work for a fortnight the mills will be closed and manchestor will starve. If Indians block all gaps, the foreign Government would surely suffer. A man is blessed with all powers and if the divine gift is properly utilized, success is sure. As long as the people are perfect in health, there is no necessity for them to join foreigners. Indian coolies work in the mill for the benefit of Europeans and if they strike work the mill owners must necessarily suffer loss. By hand work the coolies get 3 or 4 rupees a month but the

Europeans earn 400 or 500 by mere signing. In Bengal, the coolies of the jute mill struck work and their emoluments increased. So also in the North West Bengal Railway. The Russian Revolution brought good to the people and so is the case throughout the world. If the workmen in the mill understand what he said and strike work for 3 days, European capitalists would suffer more. In Bengal, people swear upon Kali to boycott foreign goods. In 1897, when the Bengalees asked Swami Vivekananda if they could perform Sivaji festival, he told them in reply that their question was unfair. If we are afraid to perform Sivaji festival how would they shed later on. If the people were to hear what took place in the rioting of Mymensing, Jubbalpore and Comilla they would surely shudder. Without bloodshed nothing could be accomplished. It is a religious maxim. All Indians should undergo all troubles that might face them. Yuganter Patrika was brought to book four times and the editor convicted. As Japan was prepared to sacrifice 20,000 people she won victory over Russia. If 5 crores of Indians come to sacrifice themselves Swaraj would be theirs. In Johannesburg the Europeans pelted stones at Keir Hardie because he sympathised with the Indian people. In this civilisation ? The Indians are not weak people. So in order to obtain Swaraj they should not be afraid of anything. If all Indians whether strong or weak come forward as strong men foreign Government will collapse and Swaraj will be theirs. You must swear before Kali that you would support Swaraj."

The following are the notes of the 2nd witness for the prosecution of the speech of the 25th February 1908:-

"Gentlemen, I want you to cry out "Bande Mataram" before I commence to give my lecture and also you must recite. Allahoo Akbar' which is a favourite cry of our Mahomedan brothers, which must find its place with our national cry.

"Gentlemen, I have already told you what the object of my speeches were and why I took all this trouble to come here and remain with you for so many days. We want to obtain Swaraj and what that Swaraj is, I have already explained to you and unless we obtain Swaraj we are not free men but a body of slaves. We must all act harmoniously and make our aim the 'Swaraj'. I being a sanyasi, must always say, something on religious people are afraid of death. We must give up fear as there is nothing as death in this world. It is mere 'Maya' which does all this mischief and which creates all sorts of fear in human mind. If we die we are born again. The body becomes a corpse; the 'atma' flies away to find its place in some other frame. So, we are born again. The body, when the life goes away, becomes a corpse which is burnt, buried or thrown away in some way or other. The only reason why we are afraid of death is that we have to leave relations and friends behind. There is Heaven for the good and holy. But don't suppose that they holy alone would get Heaven and not the rest. Don't think that he who does charity would get Heaven only. He, who dies for public good and public cause, is the first man to obtain

Heaven, and he is a hero and a man in its true sense. Till now we were in 'Maya'. Now we open our eyes to see Swaraj which we will get soon. The Rajan gather will, in all probability, give Swaraj, on certain conditions which would not be acceptable to us. I appeal to you and beseech you, not to accept on certain conditions, unless it is given to you free of all conditions. The mere handing over by the Englishmen of the control of the Army and the Finance of the country is of no use. The moderates would be very willing to accept this. If there by any conditions, it would not be considered as the real Restoration of Swaraj. When once Swaraj is restored, the country should belong to Indians without any connection between the Indians and the Englishmen. We ought not to allow them even to have their flag which can be very easily rolled and thrown into the sea. But, no! We must not give any room to further interference. If we obtain Swaraj without any conditions whatever, then we will hoist the flag of Swaraj on the precipice of the Himalayas and people of other nations wishing to visit India will have to pay a tax."

The following are the notes of the speech of the 5th March 1908 as taken by the second witness for the prosecution:- "As proposed yesterday Somasundara Barathi is not well. So, I am obliged to speak. If I don't speak I have no rest; to speak I feel weak. I am in a dilemma; however, I will speak.

"We assemble here for several days. There is an advantage in it. We can discuss matters. I am able to

inform publicly all that takes place all over the country. All say the strike was due to my preaching though I did not do it. I did not speak about the strike for this purpose. "Swarajadhulapathi" think always of Swarajism and not under Pararajiam. So, think that we do things in Swarajiam, Swaraja, All of us Hindus, Mahomedans, Hindus, assembled here, have determined to attain Swaraj. One man comes and tells me to say something about the mismanagement of Municipality. One man tells me here that the police want to inconvenience us by parading the police on the beach. We don't care. Think that it is to our respect. I commented upon natural law to boycott, recommended passive resistance. Am I to be blamed for it? I come to know what the barbers think, washermen think and what police do, what vakils are boycotted. In the presence of two Inspectors I wish to say something about the strike which I did not do for the last so many days. It is known throughout India about the strike, which is stronger, Sub-Collector came and asked Chidambaram Pillai 'What about strike.' Venkatarama Aiyar, Balaji Rao, Padmanaba Aiyar sent for the strikers and asked them the cause of the strike, they said that the preaching had no effect on them. Because they were ill-treated they struck work. Yesterday some maistries were taken inside the mill and threatened, but to no effect. For the last 2 or 3 days I hear that some persons are dragging young boys, and maistries prevent. The Rajan gathar are trying to find fault; they are searching in every neck and corner for any disturbance, the Europeans

would misrepresent matters to officials who will side them and do what they think. If we do a think we will do it openly at the same time not against law, B.I.S.N.Co Manickam Asari is said to collect boys and go to mill and maistries complain. I don't know what takes place. I say to day, if Manickam Asari drag the boys, maistries will prevent and I don't know if there would be a disturbance for which I am not responsible. So, I inform this to the authorities in the presence of this public assembly. The Government authorities should assist the aggrieved party and not side the offending party. Public can be gained over by kind treatment and not by ill-treatment and threatendings, On the 9th March, Bepin Chandra Pal comes out of jail. He who communicated to the public what Swaraj is. What did he do? The Government sentenced him to six months' rigorous imprisonment because he refused to consent to what was dictated to him which was concoction. Bande Mataram editor was arrested. Bepin Chandra Pal was summoned to give evidence against him, he refused to give evidence against him and so he got six months. We have heard of Harischandra who lost everything for the sake of truth and likewise Bepin Chandra Pal. On the 9th March he comes out of jail. So, we must join on that day into a large crowd of 35,000 and I hope all will attend. We will celebrate that memorable occasion. We must come out in procession all round the town, in the evening we must assemble on the beach and every one should try his best to speak what he likes. We should light the town. The lion

of Swaraj comes out and that day will be the day when we will come out from our bonds and hoist the flage of Swaraj. All should join. If you consent to join I will celebrate, else not. I am not Lord Minto who refused to accept public opinion. That day is a Monday Karthigai and as Bepin comes out that day our paper Swaraj will come out. You will think that the police will prevent us, don't think so. As the authorities have come to understand that we are peaceable people we will take the photograph of Bepin Chandra Pal. If police were to accompany us and escort us we will consider it an honour and will be glad to see them. We will open a Swadeshi Medical Hall for the sale of Ayurvedic medicines. We must select six persons, young men, true men, bold men, faithful men and we will train them to go to villages to preach to ignorant masses. We must make Tuticorin a Barisal. As regards mass meeting and the holding of meetings where the Sedition Bill is in force and if Sedition Bill comes here, we must think that we have done our work then we will go away to Tinnevelly. 250 mill hands have struck work in Madura and the mill authorities have made arrangements there that if I were to go to Madura, I must not be allowed to preach. I have received this letter from a friend. Why should the Europeans be so much against me? Why should we not assemble? It is our land, our mother land and not of foreigners. If I am stopped to preach publicly we will do so in a private building. We will prevent all officials from coming in, we will sit to eat food and discuss, so that

no one would come. If Sedition Bill comes into force in all places soon we will finish our duty. We are not prepared for war, but we are ready for passive resistance. We will make all village Munsiffs and Karnams to resign, then what they would do. Barbers do not shave anti swadesis. Two vakils went to them for a shave, they refused.. If they had done what they did in Barisal it would have been much better, to shave partially and leave the men. Are barbers their slaves? Let Government send for barbers to work for loyalists. Europeans are not very good people, if barbers (Europeans) come, we make a fun with them. If they want we will keep quite. Government is to see to the prosperity and not to rob the people and ruin them. If other Governments who are Rajangathars who have the good of the people at heart, come for the reasons, we don't know we will subject ourselves to the present Government. If you in unanimity, we will gain much and God will assist us. Several crores of pounds have been taken away by foreigners for the last 150 years and they have sucked our blood and now we in turn must earn as much as possible and send them away. You must come to a determination, you are not born to Europeans, you are not related to them, you are not their friends, so you must make up your mind not to help them in any way. By paradesics I don't mean paupers but foreigners who same like paupers. Everything is mud and everything will become mud. So we must look to our own prosperity. Don't become slaves for money and disgrace yourselves. Don't trouble Swadesis, don't annoy them listening to foreigners words. Don't be selfish that you

will get some money by taking coolies back to the mill. Keep your self-respect, beg from door to door for your food. The 9th March should be memorable day and it should be celebrated with great eclat. Do you consent to this? Bande Mataram. We must open an Ayurvedic Medical Hospital. Do you accept this? Bande Mataram. We will have to select six persons to go out and preach and Swaraj paper will come out that day and all the public should assist. Would you do? Bande Mataram.

As regards the speeches which do not form the subject matter of the charge but which were admitted in evidence, evidence of a speech alleged to have been delivered by the first accused on the 19th February 1908 was given by the second witness for the prosecution and his notes were marked as Exhibit B. Evidence of a speech alleged to have been delivered by the first accused on the 26th February 1908 was given by the 3rd witness for the prosecution and his notes were marked as Exhibit K. Evidence of a speech alleged to have been delivered by the first accused on the 1st March 1908 was given by the second witness for the prosecution and his notes were marked as Exhibit D. Evidence of a speech alleged to have been delivered by the first accused on the 4th March 1908 was given by the 2nd, 3rd and 5th witnesses for the prosecution and their notes were marked respectively as Exhibits E, L and O. Evidence of a speech alleged to have been delivered by the first accused on the 9th March 1908 was given by the 6th witness for the prosecution and his notes were marked as Exhibit Q.

The police officers do not profess to have taken a verbation note of the words used by the accused. The record which they made of the speeches was of the same character as the record made by the witness in The Trial of Edmonds and others, 1821, Reports of State Trials, New Series, Vol. I.pp. 818 and 819, where the witnesses were allowed to read their notes as evidence of the speeches made. The second witness for the prosecution stated in evidence that his notes represented to the best of his ability the substance of what the speakers said. The third witness stated that he took down to the best of his ability - the words actually uttered. The fifth witness stated that his notes represented what the first accused said and that everything found written there was in substance said by the first accused. The sixth witness for the prosecution speaking of his notes said: "All these words were uttered by the speaker and it is a substantially correct record of the speech." He also said: "My notes are not a verbatim report. I noted as far as I could the important utterances. I omitted things I considered unimportant." He also said:- "in my notes I used as far as possible the exact words of the speakers. * ** * * * * * The notes contain the very words uttered by Chidambaram Pillai as far as I was able to take them". The seventh witness said "The notes accurately set forth what the speakers said."

The chief witness in connection with the proof of the speeches was the second witness for the prosecution, and the learned Judge who had the opportunity of seeing his demeanour in the witness-box was satisfied that he

spoke the truth. (See paragraph 15 of the judgment of the Additional Sessions Judge). The suggestion on behalf of the defence was that his notes were not in fact made at the time they purport to have been made and that they were the outcome of consultation and collaboration between the police-officers. A strong point was made of the fact that some of the notes of the second witness for the prosecution were not produced before the District Magistrate, on the 9th March 1908 when security proceedings under section 108 of the Code of Criminal Procedure were instituted against the secused and others. The explanation given by the witness was that the notes had been mislaid in consequence of the confusion at the Tuticorin Police Station owing to the arrival of a large number of special constables. Mr.Cowdell suggested that this explanation was not true and he referred to the evidence of the 3rd witness for the prosecution who stated on page 82 of the printed evidence, that the special constables arrived in three parties, the last party having arrived on the 5th March 1908. The witness stated in re-examination that the party who had arrived on the 5th March were quartered at the Police Station and other places and remained there till the end of March 1908. We are certainly not prepared to say that the learned Judge was wrong in accepting the explanation of the second witness for the prosecution as to why some of these notes were not produced before the District Magistrate on the 9th March 1908. Further, as the learned Judge points out, the police reports which were marked as

Exhibits F.G. and H.series were clearly genuine and the terms of these reports support the case for the prosecution that the notes were in fact made at the time at which they purport to have been made.

The evidence of the police witnesses is corroborated by the evidence of independent witnesses of whom the eighth prosecution witness and the eleventh prosecution witness are the most important. Their evidence is no doubt of a somewhat general character and they do not profess to give specific dates. (The 8th prosecution witness gives no specific dates and the 11th prosecution witness only gives one February 23rd). With regard to the eighth prosecution witness, Mr.Sadagopachariar was able to show from his cross examination that he was not present at any of the speeches which formed the subject-matter of the charge; and it would also seem that he was not present at the meetings of February 22nd March 1st and possibly March 4th 1908. We do not think, however, that it follows that, because the words to which he speaks also, according to the evidence, occur in speeches which he did not hear that his evidence as to speeches which he says he heard is altogether untrustworthy. It seems to us extremely probable that the same set of stock phrases would have been used by the accused in more than one speech. As has been pointed out, speeches were delivered almost daily from the 3rd February to the 11th March 1908. Another point made by Mr.Sadagopachariar with reference to the police notes of speeches was that the passage, "we ought not to allow them even to have their flag which can be very easily rolled and thrown into the

sea," which is to be found in Exhibit C(Jaffer Hussain's notes of the speech of the first accused of February 25th 1908) finds no place in the report of that speech made by this officer, Exhibit H, and that this report contains a note by the witness that there was nothing important in that speech, except building castles in the air. We have examined the original note and we are not prepared to infer as the defence invited us to infer - that the omission of any reference to this passage in Exhibit H shows that Exhibit C was not a genuine note taken at the time. The learned vakil also pointed out that the reference to 50,000 foreigners in India which occurs in the notes by the 2nd prosecution witness of a speech by the 2nd accused (Exhibit B) is attributed by the 8th and 11th prosecution witnesses to the 1st accused, and that the 11th prosecution witness gives the date of the occasion when the reference was made. The points made by Mr.Sadagopachariar no doubt go to show that much reliance ought not to be placed on the memory of the witnesses as to the precise words used.

The police witnesses, however, were subjected to a minute and searching cross examination at the trial before the Additional Sessions Judge. Their evidence has been scrutinised and discussed in great detail in the course of this appeal before us. After a careful consideration of the points taken on behalf of the defence with regard to this part of the case, the conclusion at which we have arrived a is that the notes taken by the police officers are substantially accurate and that the evidence given by the police witnesses may safely be acted on.

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It was strongly urged that the learned Judge had not given due weight to the evidence called on behalf of the defence with reference to the words which the prosecution alleged were spoken by the first accused at the various meetings to which reference has been made. The evidence of the defence witnesses was of a negative character, to the effect that they did not hear any seditious language used at the speeches at which they were present. None of the witnesses profess to have made notes of the speeches which they heard. After weighing the evidence on one side and on the other we are of opinion that the evidence of the witnesses called for the prosecution who speak to notes made at the time is not displaced or shaken by the general evidence given by the defence witnesses. We think also that the observation of the learned Judge that the witnesses called on behalf of the defence were interested in, or partisans of, the accused is borne out of by the evidence. We are of opinion that the speeches containing the passages, which the prosecution alleges are of a seditious character, were in fact made by the first accused.

With regard to the question whether the words used by the first accused in his speech of February 23rd, 1908, come within the provisions of section 124A, Indian Penal Code, we are of opinion that in making the speech the first accused attempted to bring into hatred or contempt or to excite disaffection towards the Government, and that the speech was seditious.

The burden of the speech of February 23rd, 1908, was the way to obtain Swaraj. There has been considerable

discussion as to the meaning of this word. We have been referred to the case of Beni Bhushan Roy V.Emperor, reported in I.L.R. 34 Cal 991. There, the learned Judges express the opinion that the term does not necessarily mean government of the country to the exclusion of the present Government, but that its ordinary acceptance is "home rule" under the Government. The Judges point out that the vernacular word used, if literally translated, would mean self-Government but that self-government would not necessarily mean the exclusion of the present Government or independence. The word is, no doubt, and used in different senses and the sense in which a speaker employed it must be judged mainly by the context of the speech in which the word is used. We do not think it can be said that there is any ambignity as to the meaning of this word as used by the 1st accused. In paragraph 2 of his own statement he defined the gospel which he preached as a gospel of "Absolute Swaraj".

The 86th witness for the defence, a correspondent to several important newspapers, stated in examination-in-chief that the Swaraj which the first accused inculcated was a free and independent Swaraj, independent of British Government, which they were to obtain by the Boycott and Panchayat System. The witness added that he did not hear the first accused advocating the use of force. In cross-examination he said. "He the 1st accused) wanted India to have complete independence, something more liberal than the colonies * * * * * * * * The greater privilege would be self-government * * * * * * The Viceroy and Governor

to be Indians without any connection with England. It would amount to forming a sort of republic. That is how I understood it."

The passages in the speech of February 23rd, 1908, which the prosecution alleges were seditious are set out in the evidence of the 2nd prosecution witness. The reference to "Swaraj" is, in our opinion, to Swaraj in the sense in which the accused used the expression in his own statement, viz., absolute independence, and the reference to putting down oppression suggests a resort to physical force. Then we have the phrase "When God's creation is oppressed. He himself will come forward under some incarnation to put it down." The point of the allusions to 17,000 guns being stolen from Fort William and the shooting of the Magistrate of Dacca would seem to be that these crimes were never detected. Then we have the passage "Without bloodshed, nothing could be accomplished." We cannot read the passages with reference to the sacrifices made by Japan in the war with Russia, in spite of the ingenious attempts made by counsel to place an innocent interpretation on them, in any other sense than as an incitement to revolt. The phrase "if all India as whether strong or weak, come forward as strong men, foreign Government will collapse and Swaraj will be theirs" is an appeal to his audience to replace the foreign Government by "Swaraj".

The 1st accused is, no doubt, entitled to ask that the question whether the language used by him in any speech is seditious, should be considered with reference to the speech as a whole and not with reference to isolated passages taken apart from their context.

But reading the notes of the speech of February 23rd, 1908 as a whole it seems to us that the speech not only advocates "Swaraj" which means the exclusion of the present Government, but that it urges, if necessary, the use of force in order that that end may be attained. And we have no doubt that it was in this sense that the word was understood by the audience to whom the speech was addressed.

The general tenor of the speech of February 25th, 1908, according to the notes of the prosecution second witness is much the same as that of the speech of February 23rd, 1908. We find a passage, "He who dies for the public good and in the public cause is the first man to obtain Heaven * * * * * * * When once 'Swaraj' is restored, the country should belong to Indians without any connection between the Indians and Englishmen. We ought not to allow them even to have their flags which can be easily rolled and thrown into the sea. * * * * * * If we obtain Swaraj without any condition whatever, then we will hoist the flag of 'Swaraj' on the precipice of the Himalayas and people of other nations wishing to visit India will have to pay a tax". (We have pointed out that the reference to rolling the flags and throwing them into the sea does not appear in the report of this witness, Exhibit H). In the speech of March 5th, 1908, he referred to B.C.Pal as the lion of Swaraj' and said that on the day of his release" We will come out from our bonds and hoist the flag of Swaraj". He also said" We must make Tuticorin a Barisal. * * * * * * * * It is our land, our mother-land and not of foreigners * * * * *. We are not prepared for war, but we

are ready for passive resistance * * ** * * * If other Governments who are Rajangathars who have the good of the people at heart, come to the rescue, we do not know we will subject ourselves to the present Government * * * Several crores of pounds have been taken away by foreigners for the last 150 years and they have sucked our blood and now we in turn must earn as much as possible and send them away". Earlier in the speech he said: "We must select six persons, young men, true men, bold men, faithful men and we will train them to go to villages to preach to ignorant masses."

With regard to these speeches (25th February and 5th March 1908) we are of opinion that they also fall within the provisions of section 124A, Indian Penal Code, and that they were seditious. We do not think it necessary to discuss in detail the language of the speeches which were put in evidence but which do not form the subject matter of the charge. It is sufficient to say that in our opinion the language employed in those speeches indicates that the intention of the speaker was to bring into hatred or contempt, or to excite disaffection towards, the Government. In connection with section 124A, Indian Penal Code, Mr.Mayne observes (Criminal law of India, III Edition, paragraph 295, page 522: "In estimating the natural consequences which will flow from particular language, all the surrounding circumstances of the case are material, the excited state of public feeling, the ignorant or hostile character of the persons addressed, the critical condition of affairs, and the influence of the speaker". There is

much force in the observation of the Additional Sessions Judge that 'to the mind of the average mufusil cooly there is no distinction between official and non-official foreigners. The non-official are to them merely the kinsmen of the officials and the departure of the the one at once involves the departure of the other:

We do not of course lose sight of the fact that some of the speeches which have been put in evidence dealt largely with the strike at the Coral Mills. A portion of the speech of February 23rd, 1908, is in fact an incitement to the mill hands to strike. Other passages in the speeches are devoted to the question of 'boycott'. It is scarcely necessary to say that language advising a strike of workmen, or the boycott of foreign goods, is not in itself seditious, however misguided or mischievous such advice may be. We also do not lose sight of the fact that the change of demeanour among the lower classes in Tuticorin to which the witnesses for the prosecution speak may in a measure be due to the feelings of discontent with regard to their wages and treatment which had been excited among the workmen by the speechesof the accused and others, so far as we can judge without reasonable cause. We say 'so far as we can judge without reasonable cause, because there is no evidence on which we can rely that the workmen were underpaid or ill-treated, and because workmen who struck for the first time on the 27th February 1908, and afterwards went back to work at a slightly increased wage, struck for a second time on the 13th March 1908 and afterwards returned to work at

their original wages. Mr.Andrew Harvey, head of the Coral Mills at Tuticorin stated in his evidence that prior to the strike on the 27th February 1908 he had not heard any complaints from the mill hands to indicate that they were discontented in any way, that writers were sent to find out from the men what their grievances were and that in consequence of their reply an increase of the wages was given and they returned to work on the 7th March that they continued to work till the 13th March (the day of the riots at Tinnevelly and Tuticorin) and that they left work on that day and that they started work again on the 20th March 1908 on the same pay as they originally got, and not on the increased scale of 7th March, and that after their return they were perfectly contented. The 28th witness for the defence says that having gone back to work on March 7th he was told to sign an agreement on the old scale and that he refused. In the face of Mr.Harvey's evidence we do not believe this witness.

There was evidence, which we see no reason for not accepting, of a marked change in the demeanour of the people after the speeches made by the 1st and 2nd accused although, as we have pointed out, this may in a large measure be attributed to the state of feeling in connection with the strike.

As regards Tuticorin, the 2nd witness for the prosecution said: "After the speeches, I noted a change in the conduct of the people, i.e., there was lawlessness amongst them, they were previously law abiding. They commenced to disobey the orders of public servants. I used to hear

shouts of 'Bande Mataram' regardless of time and place. They commenced to shout 'Bande Mataram' in the presence of Europeans. They commenced collecting in small crowds and going to the houses of Europeans and sometimes throw stones."

In cross-examination, this witness said that after the strike on the 27th February 1908 the people began to disobey the police and that they began to crowd and refused to disperse when ordered to do so.

The 3rd prosecution witness said: "Before the speeches the town was quiet and law abiding. After the speeches commenced I noticed a difference. The people of the town became more and more lawless. I mean the people in general, i.e., the masses."

The 14th witness for the prosecution, the Sub-Magistrate, said: "After the speeches I heard one evening as I was returning from my office to my house a crowd of about 100 rowdies crying aloud 'Bande Mataram, let Swadeshi prosper, let the thalis of the Englishmen's wives be torn off (i.e., let them become widows), back to pieces the white men, the sons of harlots.' This I heard in the first week of March. No acts had been done by Europeans to provoke such utterances. It was unprovoked so far as they were concerned. * * * * * * I noticed a change in the attitude of the people after the speeches began. When I first took charge people were friendly and respectful to the authorities. After the speeches they became contemptuous of the authorities."

The 15th witness for the prosecution, Mr.Chapman, Agent of B.I.S.N.Company, Tuticorin said:- "Before I went on leave, the native population of Tuticorin were quiet and friendly. On my return, I noticed a great difference. They were not at all friendly. They shouted 'Bande Mataram' and Tamil words that I don't understand. It became so bad that I could not allow my wife and children to drive through the native town. We had to restrict ourselves to the beach road. * * * * * The hostility of the people became most marked after the 1st March 1908".

The 19th witness for the prosecution, Mr.Rhenius, an Assistant Commissioner of Salt and Abkari, said: "The first week in March, I was grossly insulted by a knot of people standing in front of my window at which I was standing. They shouted'A day Vellaikkarur Kottupporar' you, there, whitemen will be wiped out. The word'A day' is a most insulting form of address from cooly. On one occasion as I was driving to the Salt Factory at Arasadi I passed along the Great Cotton Road, I was shouted at by a group of people who shouted and jeered at me. On these occasions I had done nothing toprovoke any one. I was particularly careful to avoid anything of the sort."

The 21st witness for the prosecution, a Second Grade Pleader said: "Before February and March, people were well disposed and friendly towards Europeans and authorities of Government. After the speeches the people showed signs of dislike, hatred and disloyalty. I move freely among the people. I gathered my impressions from conversations with different people. Crowds going to hear the

preaching shouted 'Bande Mataram, let Swadeshi prosper and foreigners be damned.' These cries were uttered especially by the lower orders."

It was suggested on behalf of the defence 'Let foreigners be damned' was not an accurate translation of the words which the witness alleged he had heard shouted. These words were given in the vernacular before the Committing Magistrate and it would seem that the more correct translation of the expression 'Let foreigners be damned' would be 'Let foreigners die or perish.'

Speaking of Tinnevelly, the first court-witness, the Deputy Magistrate, said that on the 13th March, the day of the riots, one of the rioters cried out to the Reserved Policemen: "Why do you all stand there? Come away to us. We will shoot whitemen."

The evidence as to the events immediately preceding the riots is summarised by the Additional Sessions Judge in paragraph 13 of his judgment.

With reference to the riot at Tuticorin, the 14th witness for the prosecution, the Sub-Magistrate gave evidence as follows:- "On 13th March all the shops were closed, there was no food for the punitive police and other needy people in the town. I begged one and all of the shop-keepers to open the shops. Except Shanar merchants others refused to comply with my request. The Shanar merchants also were afraid to open the shops for fear of the violence of the mob. I had to sit with the merchants for 3 hours with 2 armed constables and sell rice to the punitive police and other people who needed it.

On the evening of 13th March, a meeting was held inspite of a prohibition. About 5.30 P.M., I was returning home from my office with a friend (a vakil of Srivaikuntam) and my police orderly. On the way Mr.Ashe, the Sub-Divisional Magistrate, met me and ordered me to proceed to the place where the meeting was being held, and direct them to disperse. I did so. I was pelted with stones. My friend the vakil and my orderly were struck with stones. A stone struck me on the head which was protected by a turband. Meanwhile the Divisional Magistrate and Deputy Superintendent of Police came with a force of police and dispersed the crowd with the use of fire arms. There was a serious riot. I was pursued and had to take refuge somewhere. The house of refuge was surrounded and I escaped by the back door. The rioters numbered about 5,000".

The 6th witness for the prosecution gave evidence with reference to the riot at Tinnevelly on the 13th March 1908.

Mr.Sadagopachariar contended that evidence of the riots was irrelevant and he referred us to Cave. J. a charge to the Jury in The Queen against Burns and others, 16 Cox, 361, which is set out in Russell 'On Crimes and Misdemeanors', 6th edition, Vol.I, p.557. The only passage in the charge which would seem to bear upon this question is that in which the learned Judge leaves the question to the Jury whether riots which actually took place were the natural consequences of the speeches delivered.

It has been urged before us that the real cause of the riots in Tinnevelly was the arrest of the two accused on the 12th March 1908 under the order of the District Magistrate, which was afterwards set aside by the High Court.

It seems to us to be not unlikely that the arrest was the immediate cause of the outbreak. At the same time, we think there can be little doubt that the fact of the arrest would not have occasioned a riot had it not been for the excited state of public feeling in Tuticorin and Tinnevelly - a state of things which had been brought about by the inflammatory and seditious speeches which had been delivered by the 1st accused and others. The speeches which form the subject matter of the present charges were delivered at Tuticorin, but it does not seem reasonable to suggest that the effect which they produced, and which in our opinion, they were intended to produce, was limited to the particular audiences to whom they were addressed. The facility of communication between Tuticorin and Tinnevelly, is shown by the evidence of the movements of the accused on March 10th, 1908, referred to in paragraph 13 of the Judgment of the Additional Session Judge.

Upon the evidence, however, we are not prepared to hold that the riot at Tinnevelly on March 13th, 1908, was one of the natural consequences of the seditious speeches of the 1st accused.

We are of opinion that the first accused, Subramania Siva, was rightly convicted of offences under section 124A of the Indian Penal Code. ..517

As regards the question of punishment, we think the law will be vindicated by the imposition of a sentence of six (6) years' transportation and subject to this modification we dismiss the appeal of the 1st accused, Subramania Siva.

Judgment in Criminal Appeal No.491 of 1908:-

The appellant V.O.Chidambaram Pillai is the second accused in Calendar Case No.1 of 1908 on the file of the Additional Sessions Judge of Tinnevelly. The appeal of the 1st accused (Criminal Appeal No.503 of 1908) has been dealt with by us and in disposing of it we have decided, after hearing counsel for both the appellants, certain questions common to the cases of both. We apply these decisions to the present appeal where they are applicable, but do not think it necessary to recapitulate them.

The offences of which the present appellant has been convicted are three offences of abetment of the uttering by the 1st prisoner of seditious words. The occasions are the speeches made on the 23rd and 25th of February 1908 and the 5th of March following. The appellant was not present on the last occasion, but was present on the other two, and has accordingly been convicted on one charge of an offence under sections 109 and 124A of the Indian Penal Code and on two charges of offence under sections 124A and 114 of the Indian Penal Code. He has been sentenced to transportation for life.

Mr.Sadagopachariar on his behalf has raised, besides those questions which are common to this case and to that of the 1st prisoner, some question of law with which we will deal at the outset.

In the first place, he contends that the complaint of abetment (Exhibit XIX) was not made by order or under the authority of the Government.

The original complaint (Exhibit B in Criminal) Appeal No.492 of 1908) is not filed in the present case, but we have looked at it and find that it is in terms almost identical with Exhibit U in this case, the complaint against the first accused, Subramania Siva. It was presented on the 23rd of March 1908, and on the 6th of April 1908 Exhibit XIX was presented charging the appellant Chidambaram Pillai that he was not only associated with Subramania Siva but also aided and assisted him and conspired with him to make seditious speeches and that seditious speeches were made by Subramania Siva in pursuance of the conspiracy.

The meaning of the Government order (Exhibit A) is clear. Complaints are to be presented alleging the commission of offences punishable under the sections stated in the order.

Now, Exhibit XIX which is styled the supplemental complaint, is a complaint against Chidambaram Pillai in respect of speeches made by Subramania Siva in the months of February and March 1908, and is not, so it is argued, within the Government Order.

The argument may be sound if we are bound to read the word 'them' in Exhibit A distributively, that is to say, to hold that each of the three persons named, is to be prosecuted in respect of the speeches delivered by him, but we do not think we ought to so read the order.

There is no doubt that the speeches were made in the course of a series of meetings in the holding of which the 1st and 2nd prisoners were associated and we think that the order of Government was intended to cover all offences punishable under the stated sections, and committed in connection with the delivery of those speeches. The order is wide enough to bear this construction and we are not inclined to restrict its scope. What we have to see is, "was the complaint authorised." it was undoubtedly made by the authorised person, under colour of his authority, and we think that authority is wide enough to cover it if the offences complained of are offences punishable under the stated sections of the Indian Penal Code. The question then is, whether they are so punishable.

The charges relating to the 23rd and 25th of February 1908 are, as we have said, under sections 124A and 114 of the Indian Penal Code. Now, section 114 enacts that if a person, who would if absent be punishable as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

If then Chidambaram Pillai being (as we assume for the present) punishable as an abettor by conspiracy, is

present when his accomplice in pursuance of the conspiracy, makes a speech which constitutes an offence punishable under section 124A, he is to be deemed to have committed an offence under section 124A. He is constructively a principal and is to be punished as such. Mr. Sadagopachariar argues that the abetment is none the less the gist of the offence. Be it so; but the offence is punishable under section 124A. Section 114 does not provide any punishment, the offence of abetment plus presence on the occasion of the crime abetted is constructively the offence abetted, and is punishable as such and not as abetment. The Government Order thus authorises the complaint made in respect of the offences alleged to have been committed on the 23rd and 25th of February 1908.

The third charge is also within the letter of the Government Order if the offence is punishable under section 124A.

The argument was that abetment of sedition is punishable under section 124A of the Indian Penal Code and is therefore one of the offences enumerated in section 196 of the Code of Criminal Procedure, but it is not one of the offences enumerated in Exhibit A and therefore the prosecution is unauthorised. But Exhibit A follows the section and if we are to read the words 'or the abetment of such offence' into section 196, Criminal Procedure Code, there is no reason why we should refuse to read them into Exhibit A. If on the other hand, as Mr. Richmond contended on behalf of the prosecution, section 196 Criminal Procedure Code, does not deal

with offences of abetment except that particular case of abetment which is defined in section 108 A of the Indian Penal Code, then no order is necessary to support the complaint. This argument is supported by the case of Queen Empress V. Abdul Kadar Sheriff Sahib, I.L.R. 20 Mad. 8, but it is not necessary for us to decide whether we should be prepared to follow that case or not. We think the complaint, Exhibit XIX, whichever view we take, must be held to have been duly authorised.

For the reasons stated in our judgment in Criminal Appeal No.503 of 1908, we do not think that by reason of the defects in the charges, the present appellant has been misled, and that there has been a failure of justice.

Turning to the merits, we have in Criminal Appeal No.503 of 1908 considered the credibility and weight of the prosecution evidence and that adduced on behalf of the present appellant. We accept the prosecution evidence as giving a substantially correct summary of the speeches delivered by both the accused and we have now to consider whether this evidence and the other evidence in the case is sufficient to establish the appellants abetment by conspiracy of the offences committed by the 1st accused.

If Chidambaram Pillai engaged with Subramania Siva in a conspiracy to excite disaffection towards the Government, and if, in pursuance of that conspiracy, and in order to the exciting of disaffection an act 'took place', then Chidambaram Pillai is guilty of abetment of the excitement of disaffection (section 107, Indian Penal Code).

The first question then is, was there a conspiracy?

The evidence is circumstantial, and is dealt with in paragraphs 29 to 33 of the judgment of the Additional Sessions Judge. He finds it proved that Subramania Siva lived while at Tuticorin in the house of the appellant Chidambaram Pillai (Paragraphs 30 and 31), that Chidambaram Pillai was an influential man while Subramania Siva was a stranger to Tuticorin and without influence, there, that Chidambaram Pillai usually closed the meetings and announced the time and place of the next meeting, and that both men constantly spoke upon the same platform and usually came and left together (paragraphs 32 and 33). He also refers to certain incidents some of them proved by the defence evidence to show that Chidambaram Pillai was regarded as the principal organiser of the series of meetings.

There is no doubt, and it is not denied, that a series of open air meetings was held at Tuticorin Commencing early in February and continuing over the first half of March, at which the 1st accused was the principal speaker, and it is proved beyond doubt that the 2nd accused also spoke at the meetings of the 19th, 22nd, 23rd, 24th and 26th of February and of the 4th of March 1908. Meetings were held privately on the 27th and 28th of February 1908 in a place which according to the prosecution 11th witness belonged to the 2nd accused though the notice calling the meetings (Exhibit M) was issued by a man who was the 2nd accused's clerk, and the building is therein called 'my building'.

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On the 25th of February 1908 the appellant was present at the meeting and announced the next meeting but did not otherwise speak. He was also present on the 1st of March and then announced a meeting for the 3rd, and on the 5th of March 1908 he was not present. The speeches of which we have any record commenced on the 19th February 1908, but the evidence shows that even before that, there were meetings some of which were attended and addressed by the appellant.

It may be that the meetings were originally organised by the Young Men's Patriotic Association (vide Exhibit M4), but that series of meetings was to last for a week only from the 3rd of February 1908, and according to the defence 6th witness who was the Secretary of the Association, when that series was over, 'other' lectures were delivered by the 1st accused. It is not shown that Chidambaram Pillai was a member of the Young Men's patriotic Association but he was associated with the lectures of Subramania Siva and others, soon after the campaign opened, and the evidence shows that even if the later speeches were a continuation of the original programme, Chidambaram Pillai must have early taken part in the operations of the organising body; Exhibit M4 is perhaps evidence of conspiracy against the members of the Association; it does not help the appellant. There is some very very vague evidence by the defence 36th witness and defence 40th witness on this point. The latter says that 'the Sangam' would announce the meetings, but he does not

say how or through whom; it may have been by the mouth of the appellant; he is unable to say who made the arrangements for the next meeting on the two occasions to which he speaks, and seems to try to leave the impression that the audience settled it themselves without reference to any one in particular, whereas the prosecution 2nd witness makes it clear that on one occasion on which the audience asked for a particular locality, the appellant announced that the meeting would be held there (vide page 18 of the printed evidence). This evidence on behalf of the defence is far from convincing, and as the witness has to admit that both the accused were present on these occasions, the police evidence is more easily accepted.

The prosecution evidence that Chidambaram Pillai usually came to the meetings with Subramania Siva is not of much importance. There is evidence on the other side that the usually came late after his office closed, but that is not very well established. The witnesses have at best to trust to their memories for an incident some months old which, as the defence 36th witness says, was not a striking incident at the time. There is some improbability in supposing that several persons on the 23rd of February 1908 marked down in their memories the fact that Chidambaram Pillai was not present from the beginning of the meeting. The general evidence that his office did not close till 6 P.M. and he did not come as a rule till later, is more likely to be accurate, but even here there is room for much doubt. Chidambaram Pillai was not a

clerk in the office; it is not suggested that he was bound to certain hours and if on some days in February or March 1908 he left office early to push his Company's interests in open air meeting, there would be nothing strange in his conduct.

He was clearly not very late on the 19th of February 1908, for on that day Subramania Siva made a second speech after he had finished speaking; and it is clear that he was not late on the 1st of March 1908 for heopened the proceedings on that day (vide Exhibit D). It is probable that he was late on the 23rd of February 1908. The announcement at one meeting of the date and place of the next was, it is contended on the strength of a statement by the prosecution 2nd witness (page 18 of the printed evidence), the duty of the last speaker on each occasion. But there is no evidence that in making his announcements Chidambaram Pillai consulted any one else; even on the occasion on which it is said the audience suggested a place of meeting, it is not shown that Chidambaram Pillai before making his announcement accordingly, consulted any one as organise of the meetings (page 18 of the printed Sessions Records) and it was not always the last speaker who made the announcement, for on the 1st March 1908 Padmanaba Aiyangar spoke last, but Chidambaram Pillai announced the next meeting (vide page 18 of the printed evidence).

There is thus good evidence that Chidambaram Pillai was present at most of the meetings and spoke at many of them and made arrangements for their continuance. That is enough to indicate that he was one of the organisers of the

course and to afford reasonable ground to believe that he was, in concert with others causing the delivery of the speeches which are delivered. And this evidence is supplemental by other evidence circumstantial but important. These circumstances negative the view that he was merely a sympathiser, casually present at the meetings and called on as a popular character to make speeches occasionally. Such a view is not open to any one taking a reasonable and impartial survey of the evidence.

On the 1st of March 1908 the Sub-Magistrate, prosecution, 14th witness, asked Chidambaram Pillai to change the place of meeting. He did not reply that he had nothing to do with the arrangements : he said he could not change his programme; and on that very evening we find him closing the meeting early because he had promised the authorities so to do (Exhibit D). This conduct is entirely inconsistent with the allegation that he was not concerned with the organisation of the meetings, an allegation which was made for the first time at the trial of this case.

Similarly, though perhaps not so obviously, inconsistent with the case put forward by the defence is his conduct in announcing his intention of promulgating his Sangam rules at one of the meetings, and his subsequent announcement that he would withold them for a further meeting as they required modification in consequence of the arrival of news from England. If he spoke merely in response to the popular demand these announcements would never have been made. He clearly utilised the lectures as

itself indicates the improbability that he was merely a casual speaker thereat. Then as the Additional Sessions Judge points out, one defence witness spoke of the meetings as meetings of Chidambaram Pillai and Subramania Siva another (defence 10th witness) spoke of Chidambaram Pillai as 'presiding' at the meetings though in friendly corss-examination on behalf of the 2nd accused he explains that away in no very convincing manner (page 103 of the printed evidence): a third witness for the defence (defence 27th witness) in cross examination stated that Chidambaram Pillai 'assisted' Subramania Siva in organising the meetings, but in re-examination gave the not very satisfactory explanation that he meant that he spoke after Siva (page 126 of the printed Sessions Records).

We do not attach to these expressions any very great importance, but they all point in the same direction. The witnesses cannot altogether conceal their belief that Chidambaram Pillai was a leading spirit in the affair.

The Additional Sessions Judge has analysed the evidence on the question whether Subramania Siva and Chidambaram Pillai lived in the same house, and we think he has arrived at the right conclusion. As he points out, the great defect in the defence evidence is the absence of the witnesses Sadagopa Iyengar and Rama Iyengar who ought to have been able to explain all that took place; but, whether Subramania Siva actually lived in the house of the appellant or whether he only used his well for bathing and his library for reading, and

both men were very closely associated together during the period over which the speeches extended.

So far, the evidence relates to the conduct of the appellant himself and it is not necessary to have recourse to section 10 of the Indian Evidence Act to admit it. Another incident on which the Additional Sessions Judge relies is a statement of Subramania Siva on the 9th of March 1908, at Tinnevelly which is set out at the end of paragraph 32 of his judgment. If this statement is otherwise admissible under section 10 of the Indian Evidence Act, there can be no doubt that it cannot be rejected on the ground suggested by Mr.Sadagopachariar that there is no reasonable ground to believe in the existence of conspiracy. The other evidence gives sufficient reason for this belief to warrant the application of the section. The statement has reference to a common design to make speeches, and is evidence, though not of itself very a strong evidence, of the existence of a conspiracy. We think it is admissible. It cannot be explained away by the suggestion that the speaker referred to himself and his audience, for his audience at Tinnevelly had not been associated with him, so far as the evidence shows, on any previous occasion; it obviously referred to himself and Chidambaram Pillai who were then under trial before the District Magistrate along with the third man to whom reference is made. The evidence then proves, beyond any reasonable doubt, the existence of a common design, in pursuance of which speeches were made by Subramania Siva, and it

remains to be seen whether that design included the commission of offences under section 124A of the Indian Penal Code.

Now it was strongly urged by Mr. Sadagopachariar that however admissible may be the speeches of the 1st accused to prove his 'animus', intention, or meaning, the speeches of Chidambaram Pillai cannot be admitted to prove abetment. But we think that these speeches are admissible to prove the object of the conspiracy. It is found that an agreement existed in pursuance of which speeches were made by two parties to the agreement, and the remaining question being, what was the object of that agreement, what was the 'thing' for the doing of which that agreement was made, there is no better evidence short of a reasonable and credible statement of objects and reasons by the parties or witnesses on their behalf, than that afforded by their sayings and doings in pursuance of the agreement. For this purpose we confine ourselves to the series of speeches delivered at Tuticorin between the 19th of February and the 5th of March 1908. As to them there is no soubt that they formed a regular course of discourses made in pursuance of the agreement; the speeches made at Tinnevelly on the 9th and 11th of March 1908 probably did not form a part of that course and it may be doubted therefore whether they can be admitted to prove the object of the agreement, though statements made in them may be admissible for other purposes - as for instance, under section 10 of the Indian Evidence Act.

Now, whatever may have happened before the 19th of February it is clear that on that day Subramania Siva made a speech in which in plain language he put before his audience the goal to which they should aspire, the over throwing of the British supremacy and the liberation of India from a foreign yoke.

There is no evidence that Chidambaram Pillai came late on that day to the meeting but assuming that he did, it would be puerile to suppose that he did not, inspite of his close association with Subramania Siva at this period, know soon after this meeting what it was that was said, However, on the 19th of February 1908 Chidambaram Pillai was not so late but that after his speech Subramania Siva was able to make a second speech.

Now Chidambaram Pillai followed Subramania Siva with a speech of his own. It contains no word of dissent from Subramania Siva's views but it is occupied mainly with the promotion of a Sangam or Association, the members of which were to pledge themselves to consume only goods manufactured in India (vide page 174 of the printed evidence). The speech reads as though the speaker had doubts as to the legality of the Association, and knew that his audience had similar doubts: he tells them that it is not illegal, that the fears entertained by Europeans were groundless, that they must not be afraid to join, that he will bear the burden if anything goes wrong, and finally that there is no need for fear (this seems to be the connection) because that part of the people of India

which is anyhow fated to die in one year could, if they would make up their minds to die at once, do away with all the Europeans in the country.

On the 22nd of February 1908, he advances the matter a little by pointing out three ways "to regain our lost position." Refuse to buy foreign goods, refuse to appeal to the authorities on any occasion, and refuse the education of Government schools: they must do this, if they want to obtain Swaraj.

On the 23rd of February 1908 the idea is again made clearer: if all the Indians unite the Europeans must leave the country: we could easily drive them away by force, but though we ought not to use force, we ought to have no fear of them: our method of driving them out is to boycott foreign goods and then they will have to go.

On the 24th of February 1908, he excuses his non-production of the promised rules of the Sangam by saying that he has to alter them in consequence of a sympathetic speech by Lord Morley. The Sangam is therefore political, not commercial, or at any rate not solely commercial.

On the 27th of February 1908 the appellant's speech is concerned with the boycott of the Madura Company and the strike at the Coral Mills and contains no further suggestion for the attainment of Swaraj through boycott. Then followed speeches in private places: and on the 28th of February 1908, the day on which the District Magistrate was in Tuticorin, the appellant was found dissuading the mill hands from continuing the strike" go back to work" was his advice" but demand more pay".

present he did not speak except to close the meeting apparently because it was necessary that day to close early.

On the 4th of March 1908, he again continues his course and after giving a somewhat optimistic sketch of the prospects of the Swadeshi Steam Navigation Company and the cotton spinning business he again explains that the way to obtain Swaraj is to avoid the courts both civil and criminal then the Governmentcill see that we have no need of them and will of necessary yield; we must show that we want no foreign help.

In all these speeches, there is no word of dissent from Subramania Siva's cult of 'Absolute Swaraj'. On the contrary, this 'Absolute Swaraj' is to be arrived at by means of the boycott and abstention from all recourse to the authorities. Swaraj through boycott is the burden of the speeches and the Swaraj aimed at clearly involved the departure of all foreigners from India.

It may be that Chidambaram Pillai's own object was to some extend commercial: he was interested to a great extent in the Swadeshi Steam Navigation Company and other industrial enterprises and he may have discovered by the 19th of February 1908 that ordinary commercial competition was not likely to be affected against such powerful and long established rivals as the British Indian Steam Navigation Company and the Coral Mills, and that his best change of success was to secure the adhesion of his countrymen to his concerns by appeals to patriotic motives.

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To succeed, it was necessary to instil into their minds an aversion from everything foreign, and it may be that some such object as this inclined him to the adoption of the political programme of 'Absolute Swaraj'. That he did adopt that programme his speeches leave no room for doubt.

It is true that in another case (S.C.No.2 of 1908 on the file of the Court of the Additional Sessions Judge of Tinnevelly Criminal Appeal No.492 of 1908 on the file of the High Court) he did allege and call evidence to prove that he expressed dissent from Subramania Siva's interpretation of theword Swaraj but except for that belated disavowal, (if we can consider it in this case) the evidence in support of which we have found ourselves unable to accept, there is nothing to suggest that his views in any way differed from those of Subramania Siva. He cannot be acquitted of disloyalty merely because he deprecated violence; and his exhortations not to create disturbance and his acquiescence in the request of the authorities as to closing meeting early are in our opinion due to a natural desire that the course of the meetings should not be interrupted. He was then as his speeches show in accord with Subramania Siva's views : he organised the series of speeches with Subramania Siva, in which Subramania Siva's role was that of the political propagandist while he himself followed up with his economic disquisition. Each entered from time to time on the other's ground and the goal to which both pointed was the departure of all foreigners and all things foreign from the land and the resulting Swaraj and

The evidence leaves no room for any real doubt that the political speeches of Subramania Siva were a part of the programme, and the delivery of those speeches involved, as we have found in Criminal Appeal No.503 of 1908, the excitement of disaffection against the Government. This was one of the things to be done in pursuance of the conspiracy, and as soon as it was done, the appellant was guilty.

The charges are in respect of the speeches of Subramania Siva delivered on the 23rd and 25th of February and the 5th of March 1908 and we have found, on a consideration of all the evidence and after hearing counsel for both the appellants, that those speeches constituted offences punishable under section 124A of the Indian Penal Code. The appellant V.O.Chidambaram Pillai was therefore rightly convicted.

As regards the question of punishment, we think that in this case as in Criminal Appeal No.503 of 1908 the law will be vindicated by a sentence of 6 (six) years' transportation.

Subject to this modification of the sentence, the appeal of V.O.Chidambaram Pillai is dismissed.

(True copy)

Sd/
Deputy Registrar,
Appellate Side

To
The Sessions Judge of the Tinnevelly Division,
in duplicate, with record.

The District Magistrate of Tinnevelly,
through the Sessions Judge.

The Inspector General of Police, Madras

The Superintendent, Central Jail, Coimbatore,
with a copy of the printed judgment
for communication to the 2nd
prisoner.

The Superintendent, Central Jail, Trichinopoly,
with a copy of the printed judgment
for communication to the 1st
prisoner.

Exd, by V. Apatharana Aiyar.

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G.O.No.1542, Judicial, dated 3rd October 1911.

Pages 99 to 101

In the High Court of Judicature at Madras.
Wednesday the fourth day of November, One thousand nine hundred and eight.

PRESENT:

The Honourable Sir Charles Arnold White, Chief Justice.
And
The Honourable Mr.Justice Miller.

Criminal appeal No.492 of 1908

V.O.Chidambaram Pillai .. .. Appellant (Prisoner)

Appeal against the sentence of the Court of the Additional Sessions Judge of the Tinnevelly Division in Case No.2 of the Calendar for 1908.

This appeal coming on for hearing on Tuesday to friday, Monday and Wednesday the 20th to 23rd, 26th and 28th days of October 1908 : Upon perusing the petition of appeal and the record of the evidence and proceedings before the Court of the Additional Sessions Judge, and upon hearing the arguments of Mr.R.Sadagopa Chariar, Mr.V.Venkata Chariar and Mr.C.Narasimha Chariar, Vakils for the appellant and of Mr.T.Richmond, Counsel on behalf of the Crown, in support of the conviction, and the case having stood over for consideration till this day, the Court delivered the following

JUDGMENT:

The appellant Chidambaram Pillai has been convicted of offences punishable under sections 124A and 153A of the Indian Penal Code and sentenced to transportation for life the occasion of the alleged offence was a speech made by him at the Thai Poosa Mantapam in the bed of the **river** Tambraparni at Tinnevelly on the night of the 9th of March last.

Objection was taken as in Criminal Appeal No.503 of 1908 to the complaint and the authority under which it was made. Mr.Sadagopa Chariar did not appear for the appellant in Criminal Appeal No.503 of 1908, but he was heard before the hearing of that appeal was concluded, and it is after hearing and considering his arguments that we have in that appeal held that the complaint was sufficient and duly authorized. For the same reasons, we arrive, in this appeal, at the same conclusion. It is further contended that the charge is defective because it does not set out what portions of the speech of the accused are within the provisions of section 124A, and what are within those of section 153A of the Indian Penal Code.

The whole speech is set out. The charges are that, in making the speech, the accused attempted to excite disaffection towards Government and to promote feelings of enmity or hatred between classes. It is one of the arguments for the defence that the true intent can be arrived at only by a consideration of the whole speech, and that being so, it is not easy to see what further information the accused can properly require (see Emperor V.Tribhuvandas, 10 Bom, Law Reporter 801). We held that the charge is not defective.

The argument on the merits proceeds upon two principal grounds. It is contended (first) that the speech was not delivered as reported and (secondly) that it is not seditious. The circumstances in which the speech was delivered are set out in paragraph 5 of the learned Additional Sessions Judge's Judgment and are not in dispute.

The appellant's speech was reported by the prosecution second witness, Krishnasami Naidu, Police Inspector of Tinnevelly, who alleges that he was deputed to attend the meeting and that as 'Special Branch Inspector' it is his duty to take notes of speeches made on such occasions. It is the case of the appellant that this witness was not present at the meeting and several witnesses are called to say that they did not see him there. Of these, defence witnesses Nos. 1, 3 and 4 did not at that time know him by sight, the defence 2nd witness did not see the prosecution third witness, Inspector Viraragava Iyer either, though it is certain that that officer was present, and the defence 8th witness did not see the prosecution second witness, Against this, is the statement of the second and third witnesses for the prosecution which we unhesitatingly prefer. The prosecution second witness was not in uniform, no attempt has been made to show that he was not in Tinnevelly on the 9th of March 1908 and if he was in Tinnevelly there is every probability that he was present at this meeting and it is improbable that if the report of the speech was subsequently concocted, the note would have been attributed to a man who was not present. The defence pointed out certain discrepancies as to the receipt of the orders to attend the meeting and the place where the officers stood or sat. On the latter point, the Additional Sessions Judge says that the discrepancy was cleared up when he visited the Mantapam with the Assessors and Vakils, and no doubt the ledge where the prosecution second witness sat can be

there is no important difficulty. It is not likely that either witness is deliberately telling a false story which can be contradicted by his superior officers.

It may be that the prosecution third witness, Viraragava Iyer, ought to have taken a note, but we do not think the fact that he did not do so, helps to prove that Krishnasami Naidu could not do so.

Evidence was called to prove that at the place where the prosecution second witness sat, there was not sufficient light to enable him to take a note, but we do not think this is proved. The police-officers say that the Mantapam was well lighted all round, and that seems probable considering the occasion. Even if most of the lights were on the western side of the Mantapam, it does not follow that the southern side would be so dark that notes could not be written. There were certainly open lights on the top of the Mantapam which give a bright light, though certain of the defence witnesses ignore them when questioned on the subject of lighting and this light would have been diffused round the Mantapam. It is probable, we think, that there was plenty of light. We are not prepared to accept the evidence of the defence witnesses as entirely accurate on this point; but whether there was plenty of light of not we have no doubt that there was enough to enable notes to be recorded.

Then, it is suggested that the notes are too neatly written to have been written at the spot. We do not think that their neatness is incompatible with their having been recorded as alleged, but we cannot accept as perfectly

accurate the statement of the prosecution third witness that nothing but such unimportant words as 'listen' was omitted.

The defence witnesses are not unanimous as to the pace at which Chidambaram Pillai spoke (vide deposition of the defence 7th witness) but no doubt, no note not recorded in shorthand could contain everything that was said by the speaker. The police recorded what appeared to them important and there seems no reason why they should not have done so with substantial accuracy. It is probable that they did not record all that was said about B.C.Pal in whose honour the celebration was held but we do not think that because the witnesses have to some extent exaggerated the completeness of the report, we need doubt the accuracy of what has been recorded. We may fairly then ask the defence to point out how the plain meaning of the sentences recorded was altered or modified or explained away by anything else which the speaker said but the reporter omitted. No evidence has been given that anything was so said. The defence witnesses who speak on this question merely deny that they heard anything said about the Government or Europeans. The defence witnesses generally give an account of the topics dealt with in the speech, which does not materially differ from that of the police. The speech opened, they say, as the police also say, with some account of the hero of the celebration, B.C.Pal, and it continued with a dissertation on industries, boycott of foreign goods, panchayats and national education. The police omit only education of these. It is in the speaker's

method of treating these subjects that the report differs from the defence evidence, and we prefer the evidence of the report made on the spot and sent before noon on the next day to the Police Superintendent's Office. No note of the speech is produced by any defence witness, and the memory of friends and partisans is not to be altogether trusted. We think there can be no doubt that the principal defence witnesses were partisans of the accused.

It is argued that the appellant would not have ventured to make the speech recorded, in the presence of the police and when he had come to Tinnevelly for the purpose of standing his trial in the security proceedings: but we find nothing in the evidence to indicate any improbability in this. The fact that he spoke at such a meeting at all indicates that he was not of a very submissive temper. We must hold with the Additional Sessions Judge that the speech is reported with substantial correctness.

The next question is, whether it is seditious: was it intended to excite disaffection (a word which includes "disloyalty and all feelings of enmity") or to bring the Government into hatred or contempt.

The prosecution has put in evidence, speeches made by the appellant at Tuticorin on the 19th and 23rd of February 1908 and a speech made at Tinnevelly on the 11th of March 1908 to show the 'animus' or intention with which the speech of the 9th of March 1908 was delivered and the defence have for the same purpose put in evidence, speeches of the 22nd and 24th of February and the 4th of March 1908, as recorded by the police.

The speech of the 9th of March 1908 is set out almost as recorded by the police in the judgment of the Additional Sessions Judge (paragraph 7) and we need not reproduce it here.

We need not discuss the opening eulogy of B.C.Pal. If, which is by no means clear, the police-officer has misquoted Tiruvalluvar in recording the substance of a verse recited by the accused, that, as the Additional Sessions Judge observes, is an indication that the report was not concocted; but we need not consider further that part of the speech nor the closing account of the state of affairs at Tuticorin and the speaker's dealings with the District Magistrate. There is clearly nothing seditious in that.

But we find these passages in the speech "As soon as the English people set foot in India, poverty also made its appearance in the country. So long as the foreign Government exists we shall not prosper. So long as we continue to be the servants and slaves of foreigners we shall have to endure hardships. * Three-fourths of the Englishmen now in India are traders. If we all unite and make up our minds not to purchase their goods what business will they have here ? They must all run back to their country" (He advocates the boycott of foreign goods not as a means for helping Indian Industries, but as a means for getting rid of the English). "Besides, if we avoid going to these accursed Civil, Criminal and Police Courts, the remaining one-fourth of the English will have no work to do. Thus all the white men will run away from our country * * * * * *

Being 33 crores of people how astonishing it is that we are slaves to 3 crores. The cause of our growing poorer day by day is that 180 crores of rupees are carried away each year in steam ships to a country 6,000 miles away. What country can stand such treatment as this?"

The dominant note of this portion of the speech is to get rid of the English, the governing class.

It is perhaps not astonishing that the speaker's programme struck one of his hearers, as not being altogether practical, but it is not suggested that it was not seriously offered to the audience, and the speeches of the 22nd of February and the 4th of March 1908 contain much the same advice.

Now, here, nothing is said about Self-Government under British supremacy, or Colonial forms of Government. The accused says that on the 24th of February 1908 he explained his idea of Swaraj and calls two witnesses, defence 23rd and 25th witnesses, to support him. There are reasons for doubting the truth of this statement but even if on the 24th February, he said he would accept a form of Swaraj not incompatible with a foreign supremacy, that is not what he put before his Tinnevelly hearers on the 9th of March 1908. What is to be aimed at is the retirement of all foreigners necessarily including in this, the non-trading one-fourth persons authorised by law to administer executive Government (section 17, Indian Penal Code).

We have anxiously considered whether it may not be possible to regard this speech as giving expression only to a legitimate aspiration, an aspiration, that is, which

it is legitimate to commend for the acceptance of the public. But we do not see how we can reconcile it with loyalty to the Government as established by law in British India or regard it as other than an attempt to excite disaffection towards the Government.

In our opinion, the appellant has been rightly convicted of offences under sections 124A and 153A of the Indian Penal Code. We recognise the gravity of the offence and we do not doubt that the Additional Sessions Judge was justified in taking into his consideration as a guide to a proper sentence, factors other than the speaker, the speech itself and the audience to whom it was addressed. But we think the law will be vindicated by a sentence of four (4) years' transportation on the conviction under section 124A, Indian Penal Code, (we pass no sentence on the conviction under section 153A, Indian Penal Code) this sentence to run concurrently with the sentence of six (6) years' transportation.passed in the other case (Criminal Appeal No.491 of 1908 on the file of the High Court).

/TRUE COPY/

Sd/
Deputy Registrar,
Appellate Side.

To
The Sessions Judge of the Tinnevelly Division, in duplicate with record.
The District Magistrate of Tinnevelly, Through the Sessions Judge of Tinnevelly
The Inspector-General of Police, Madras.
The Superintendent, Central Jail, Coimbatore, with a copy of the printed judgment for communication to the prisoner.

Exd. by V.Apatharana Aiyar.

G.O.No.1542, Judicial, dt.3rd October 1911.

Extension of Royal clemency on the eve of Delhi Durbar

Page No.2 of

Home Department

Confidential

D.O.No.160 Jails

Simla, the 15th July 1911.

My Dear Stuart

In connexion with the question of the grant of clemency to prisoners and the relief of Civil debtors to mark the occasion of the Coronation Durbar, which is now under consideration, I am desired to inform you that the Government of India are of opinion the prisoners who have been convicted of offences against the State and other cognate offences, should receive such clemency as regard for the public safety and transqulity will permit. In order that the Government of India may have a full knowledge of the facts, on which to base their proposals, I am to request that you will furnish me, confidentially, with a list of the prisoners belonging to the Madras Presidency who may be confined in jails or in the Andamans,

(1) for offences committed against the State under Chapter VI of the Indian Penal Code;

(2) for offences under special laws, such as the Newspapers incitement to Offices Act or under provisions of laws which require the sanction of Government to prosecution.

2. I am to request that these lists may contain particulars regarding the age of each prisoner, the circumstances of his conviction, his behaviour in prison, where that information is readily available, and any other necessary particulars together with the opinion of H.E. the Governor in Council upon each individual case. I am to add that this information should be submitted not later than the 1st of September 1911.

Yours sincerely,

Sd/

To

Sir H.A.Stuart, K.C.V.C., C.S.I., I.C.S.,

Chief Secretary to the Government of Madras.

72

G.O.No.1542, Judicial, dt. 3rd October 1911.

Office Note Pages 284-286

We have not yet received from the I.G. of Prisons information about the ages of the convicts and their conduct in Jail, but as time is pressing, I think it better to submit the case at once. I will deal with the cases in the order of their importance.

(1) Chidambaram Pillai, age 38, sentenced to six years' transportation on the 7th July 1908. Against the extension of any clemency to this man, we have the strong opinion of Mr.Gillman and Mr.Thomas. Mr.Gillman says that the Tinnevelly district is in a restless and nervous state and that, if Chidambaram Pillai is released, there will be serious trouble. He is opposed even to the grant of any remission of the sentence. I submit that the release of Chidambaram Pillai would almost certainly endanger the public safety and transquillity. The recent murder of Mr.Ashe shows that there is still a small focus of sedition of a dangerous type in the extreme south of the Presidency, and there is evidence indicating a strong sympathy on the part of these anarchists with Chidambaram Pillai and his Swadeshi Steamship Co. Attention is also invited to the concluding portion of Chidambaram Pillai's memorial to the Viceroy last year. I do not find anything to justify the conclusion that Chidambaram Pillai was responsible, directly or indirectly, for the outbreak in the Coimbatore Jail. But it seems pretty clear that the man is still at heart a rebel, and I do not believe that any show of clemency to him would win

either him or any of those who sympathize with him to the side of law and order.

It appears from the petition to the Viceroy quoted above that Chidambaram Pillai received six months' remission on the occasion of the 50th Anniversary of the assumption of the Government of India by the Crown and three months' remission on the accession of the present sovereign. He has also had ordinary jail remission which he says amounted at the date of his memorial to 28 days. It is a question whether any further special remission should be granted to him. Perhaps he might be given the ordinary remission. The fact that it is granted is not likely to have any ill effects on the transquillity of the district, while to exclude him from the scope of the general grant of remission would be some what difficult of justification and would no doubt increase his personal bitterness.

(2) Subramania Siva, age 27: sentenced to six years' transportation on the 7th July 1908. Mr.Gillman is equally opposed to any clemency being shown to this man. Mr.Thomas says that his release would probably cause no public danger but that he is a typical fanatic and might be individually dangerous. The man is a leper, but leprosy did not prevent G.Subramaniya Aiyar from engaging in seditious propaganda, and it is quite conceivable that his hopeless disease might induce this man to attempt some desperate act. I would treat him in the same way as Chidambaram Pillai.

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G.O.No.1542, Judicial, dt. 3rd October 1911

Reply to Government of India

Pages 300 to 306

D.O.3853-1, dt.7.9.11 Judicial Department.

My dear Earle,

I am desired to reply to your confidential D.O.No. 160, Jails, dated the 15th July 1911.

2. There are four individuals undergoing sentences of transportation or imprisonment in the jails in this Presidency for offences under Chapter VI of the Indian Penal Code offenders of that also have been transported to the Andamans from this Presidency nor are any persons now confined in jails under special laws of the nature described in heading (2) of para 1 of your D.O.

3. The following list gives the required particulars regarding each of the four convicts mentioned above:-

Name	Age	State of health	Behaviour in prison	Remarks
Chidambaram Pillai	38 years	Good	Good	Is on rice diet on account of loss of weight 10 lbs
Subramania Siva	27 "	In-different	Good	Suffers from indignation and leprosy
Ethiraj Surrend-ranath Arya	27 "	Good	Good	..
Srinivasa Aiyangar	28 "	Good	Good	His status in the jail is that of a convict warder.

I am desired to make the following observations upon the case of each of them individuals.

Chidambaram Pillai and Subramania Siva were, as the Government of India will doubtless recollect, the ring leaders in the seditious movement which broke out in the Tinnevelly district in 1907-1908. Please refer to this Govt's telegram No.1080, dated 5.11.1908, in which the Home Department was informed of the result of their appeal to the High Court.

4. Neither of these two men deserves any clemency. On the other hand, the history of the seditious movement in Tinnevelly in 1908 clearly shows them to be thoroughly disloyal, and their return to Tinnevelly or any of the adjoining disaffected districts would no doubt be attended with danger to the public transquility, especially in the restless and nervous state into which the Tinnevelly district has been thrown by the recent events connected with the murder of the late Mr. Ashe. But on the ground of expeditious H.E. in council thinks that they may be released, subject to conditions which will be set out below.

5. These two men were sentenced on the 7th July 1908 to transportation for life, subsequently reduced by the High Court to transportation for six years. On the 12th December 1911, they will have served nearly 3 1/2 years, and, adding to this the remission of 10 months of more which they have already earned, there will remain a period of less than 2 years after which they must be unconditionally released. There is no reason to believe that they have abandoned their seditious sentements and it is not improbable that they may, on the expiry of their sentences, again endeavour to engage in movements against British rule.

It seems to the Governor in Council therefore, that it would be a great tacticle advantage to impose conditions upon them which will prevent them from becoming a danger to the community.

6. It is possible, moreover, that the proposed treatment will appeal to their sense of self-interest, and that living at a distance from the scene of their former activities and under sufficient but not oppressive restrictions, they may be gradually brought to a state of submission to authority. On these grounds, therefore, the Governor in Council is prepared to suspend the sentence of Chidambaram Pillai and Subramania Siva on the following conditions:

(a) That they reside in a place fixed by Government change of residence being prohibited without the permission of Government.

(b) That temporary absence from such place of residence may be permitted only on the authority of the Magistrate of the district or the Commissioner of Police if the residence is in Madras.

(c) That they abstain from all public speaking and all writing on political matters and all participation in political movement.

(d) That they report themselves once a month at a local police station.

Conditions (a), (b)

should remain in force for three years, and no limit of time should be placed upon the operation of condition (c)

Upon a breach of any of these conditions the convict will be liable to be sent back to jail to serve in the unexpired portion of his sentence the condition will be embodied in a bond to be executed by the convict and by two sureties who shall be bound in such sum as the Government may direct in each case.

7. The remaining two cases may be dealt with more briefly. Ethiraj Surendranath Arya was convicted in 1908 of offences under sections 124A and 153A of the Indian Penal Code and sentenced to five years' transportation. The Government of India were informed of this sentence in this Govt's telegram, No.796, dated 18.8.1908. He attempted to commit suicide while in the Penitentiary and received an additional four months rigorous imprisonment therefor. There is nothing in his case which would justify his release as an act of clemency, but the Governor in Council is in favour of the conditional suspension of his sentence upon the grounds set forth above in regard to the cases of Chidambaram Pillai and Subramania Siva.

8. The last case is that of Mr.Srinivasa Aiyangar, who was sentenced to five years' transportation in November 1908 for publishing seditious writings in the newspaper 'India'. Please refer to the correspondence ending with this Governments letter No.1431, dated 17.10.08. He was not in the opinion of this Government the person chiefly responsible for the contents of the newspaper and he is perhaps a fit object for the exercise of clemency. The Governor in Council would, however, suspend his sentence upon the conditions mentioned above.

G.O.No.151, Judicial, dated 1.2.1912.

Pages 1 to 8

Cuttings from Newspapers.

Name of paper : The Hindu
Published at : Madras
Dated : 25.11.11

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Treatment of Mr.V.O.Chidambaram Pillai

To the Editor of the "HINDU".

Sir, - I was convicted in the Pattambi Railway misappropriation case last year and was released today from the Cannanore Central Jail after completing one year's term of rigorous imprisonment. Just before I leave for my native place at Trichy, I wish to say something about Mr.V.O. Chidambaram Pillai through the columns of your paper, so that those who are interested in him may know how he is getting on in jail.

I have been confined all along in the close prison where Mr.V.O.Chidambaram Pillai, who was transferred to this jail from Coimbatore last year was also kept until yesterday. When he came here, he had lost more than 20lbs in weight and the Superintendent, who was a new man, put him on rice diet which has now been changed to ragi diet.

He refused to eat it and was actually starving one full day. Next day, he was reported for refusing to eat ragi and was fined 3 days mark. The Superintendent threatened V.O.Chidambaram Pillai that if he did not eat, he will

write to the Inspector-General of Prisons and get all the marks he has earned cancelled. He is now compelled to eat ragi diet and has been from yesterday for ward put in another block No.3, as he complained to the Superintendent that the warder in charge of close prisons was ill-treating him. The change is not a good one and is done as a punishment to him. Another charge that he made against the same warder is now under enquiry. Though all the convicts have corroborated the story and though the Superintendent has taken down every-thing in writing I am inclined to think that no action is going to be taken against the warder. He is still in charge of the close prison.

I am inclined to think that Mr.Chidambaram will not have an easy term in the Jail hereafter. Yesterday an assistant jailor threatened Chidambaram Pillai that if he were the Superintendent he would then and there have put on the triangle and given him 30 cuts. On a previous occasion Chidambaram Pillai was reported under the following circum-stances. A convict warder (No.9849) wanted to make a false report against another convict in close prison (No.6927) on the charge that he was talking after lock up. Mr.Chidam-baram Pillai represented to the visiting warder that the convict warder is going to make a false charge against 6917, because they are on bad terms. For the reason he was reported to the superintendent "for making a false charge against the (C.W.G) convict warder on duty" The convict 6917 was of course fined 4 days and Chidambaram Pillai" warned". On this occasion he had been taken to the Jailor; before being taken to the [illegible]

seeing the Jailor, Chidambaram Pillai saluted him. "Don't you know that you are a convict and you have no business to salute me" was the welcome of the Jailor. He then threatened Chidambaram Pillai that if he does not learn to behave well in future he will be put among "Black camps". This in the technical language of the jail means that he will have him assaulted in the night by a set of reckless convictes who are trained up for that. This is a secret arrangement which no body outside the jail knows. Sir, I beg to state further that however ill treated a convict be in the Jail there is no way to get redress. And there is no one to whom he can represent his grievances without putting himself in difficulties. If he makes any camplaint to any one, not only will the complaint be futile for nobody will take note of it, but his lot in Jail becomes after wards very miserable. We are insulted, beaten and what more we are compelled to do things which are mean and repulsive. I am, Sir, a Brahman, but was compelled to do scavenging work by the warder in charge of the close prison. When I protested, he was about to report me to the Superintendent and the Jailor "for refusing to do work" and I know the consequences and had therefore meekly to submit. The work allotted to me was picking fibre (12 lbs), but I was compelled to do in addition to that, scavenging. If I had been reported, it will be for "refusing to do work" expressly omitting the word scavenging, and the Superintendent, without even questioning me as is usual, will then and there punish me and if I dare to speak out anything, it will be considered against jail discipline and I will be given another punishment for that.

The Superintendent, in many cases, is not aware of the petty tyrannies which the warders and the subordinates exercise over us, and if we represent anything to him it will not only be treated as a lie, but we will be further punished for bringing a false complaint. Obey without questioning or protesting is the rule most cruelly enforced. There are official and non official visitors visiting the Jail, but very few care to enquire into our grievance, and if, to any such we represent any of our grievances we will after their leaving the Jail be severely taken to task. Every one of us knows that "complaining" will launch us in further difficulties and by chance, if any one ask us "How are you", we know that we must readily answer "We are doing well, Sir." The majority of the non-official visitors in this Jail do not know English and their visiting the jail is a mere farce. In short, there is a world of mystery in the jail which is unknown to the public. A convict, if he wants to pass his days without undergoing considerable hardships, must propitiate the lower jail officials and we are then allowed a bit of paper and pencil to write letters to our relatives according to what they dictate.

D. SUBBARATHANAM,

CANNANORE, November 21.

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G.O.No.151, Judicial, dt.1st February 1912.

O.M.No.5351-11/2.12.11 Judicial Department

The attention of the I.G. of Prisons is drawn to the letter from one D.Subbaratnam, dated the 21st November 1911, which appeared in the "Hindu" of the 25th ultimo, regarding the treatment of V.O.Chidambaram Pillai in the Cannanore Central Jail and he is requested to make a personal inquiry and report the facts of the case for the information of Government.

Sd/
2.12

To
The I.G. of Prisons (C.M)

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G.O.No.151, Judicial, dt.1st February 1912.

Judicial Department

Subject: Submitting a report in connection with an inquiry made on the 6th and 7th January 1912 regarding an article in the "Hindu" paper dated 25th November 1911, regarding the treatment of Chidambaram Pillai in the Cannanore Jail.

No.G.9

Station: Ootacamund Dated the 13th January 1912.

From (Name) Lieut.Col.R.J.Macnamara, M.D., I.M.S.,

(Designation) Inspector-General of Prisons

To the Chief Secretary to the Government of Madras.

Sir,

Referring to Judicial Memorandum No.5351-1 of the 2nd December 1911, I have the honour to submit the following report of an enquiry made by me on the 6th and 7th January 1912, while paying my usual annual visit of inspection to the Cannanore Jail, where Convict V.O.Chidambaram Pillai is undergoing sentence.

2. The article (herewith returned) in the 'Hindu' of the 25th November 1911 is over the signature of D.Subbaratnam, but there seems to be some doubt as to whether he was the real author of it. This convict is not now in the jail, but I was informed that he had scarcely sufficient English education to draft such an epistle, and he displays a knowledge of figures, and dates of events that did not directly

concern him, hardly to be expected ordinarily, under the conditions of confinement in Jail. It was suggested to me that the article was written in jail by Chidambaram Pillai himself and removed by Subburatnam at the time of his release. Of this there is no direct proof.

3. Subburatnam was an Assistant Station Master at Pattambi and appears to have first made the acquaintance of Chidambaram at Cannanore. He was convicted under Section 408 of the Indian Penal Code and sentenced to a year by the Sessions Judge, South Malabar. On the 26th December 1910, he was admitted to jail, and was released on the 21st November 1911 having earned 27 days remission. His Railway warrant for his native place, Trichinopoly, was made available for the 22nd November 1911, the day after his actual release, as he could not receive his morning meal and be discharged in time to catch the train on the 21st. I mention this, as Subburatnam's letter purports to be written from Cannanore on the 21st November and he certainly was there the whole of that day. Subburatnam was confined in the close prison at Cannanore from the 27th February 1911, till his release. This was by order of the Medical Officer as he was suffering from veneral disease and had just been previously under treatment in hospital for the same complaint. The idea was that he should be kept apart to prevent contagion by any chance and for facilities of treatment. In the close prison he was employed picking cocoanut fibre, (12 lbs) which is a medium labour task. Chidambaram Pillai was also confined there by the verbal orders of Captain. Williams, in order, it is stated,

that he might have fewer opportunities of communicating with other prisoners and with the outer world, a form of offence which he was suspected of both at Cannanore and Coimbatore. Chidambaram was employed distributing type - that is sorting the letters and putting them into their respective compartments in a tray. He did not object to this work which cannot be described as laborious, and he preferred being confined in a cell to associating with other prisoners in a common ward. I have gone into some detail on this point, in order to show how it was that Chidambaram and Subburatnam were enabled to get together and how the latter was in a position to give so much information concerning the former. The convicts' numbers quoted in the "Hindu" are correct, which circumstance makes it probable they were recorded on paper and carried out by Subburatnam, in this manner, rather than in his head. If this supposition accepted, a written communication passed out of the Jail, and it is not unreasonable to assume that, the article in the "Hindu" was either written or inspired by Chidambaram, whose cause it specially espoused. In any case, Subburatnam had passed his term in Jail, never knew Chidambaram except perhaps by reputation, before meeting him at Cannanore and strange to say, makes no mention of his own treatment. Much that he writes must be 'hear-say' as he was not present during some at least of the incidents he records, and much of the information, concerning weighment etc., must clearly have come from Chidambaram Pillai himself, or from a perusal of his history ticket the

that the question of diet is at the bottom of the whole business. So long as Chidambaram was on rice diet, everything went smoothly and there was no trouble, but when an attempt was made to revert him to ragi, there were immediate signs of obstruction. He refused to eat it, and dropped in weight in consequence. This ends in a sort of automatic arrangement, which brings about a reversion to rice diet again in order to restore equilibrium-thanks to the importance-attached to the maintenance of weight in Jail. Since coming to Cannanore, Chidambaram has been practically speaking, continuously on rice always for a month at a time until, (and I wish to draw attention to the approximation of dates), the 19th November 1911, when he was put on ragi. This was only two days before the release of Convict Subburatnam. For several months before, Chidambaram's conduct had been good and his record is free from punishment or complaint. On the 20th November, he was reported by Head Warder Bapoo for refusing food charge - a breach of rule 395(17) Jail Manual. On this occasion he was punished by the superintendent with the loss of three days' remission. He resented this treatment by bringing a charge against Bapoo of teasing him and further more with having committed an unnatural offence three months before. The charge was investigated and decided to be unfounded and judging by the length of time that had elapsed, was evidently of the vindictive order and not prompted by any special desire for a higher state of morality. For bringing a false accusation, Chidambaram was removed from the remission system for three months and put into an association ward away from the control of Head Warder Bapoo.

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5. Between the 13th and 26th November, the period covering the date of reversion to ragi diet, Chidambaram last six lbs. in weight, showing that he did not consume his food - at least fully. When admitted to the Cannanore Jail, he weighed 111 lbs. as compared with 129 lbs. On first admission to the Palamcottah Jail on the 8th July 1908. During the first four days of his imprisonment he lost four lbs. and his weight has varied from time to time till now, when it stands at 117 lbs. that is, he has dropped 12 lbs. during the last 3 and half years. He looked to me to be extremely well and acknowledged that he felt so. His initial weight of 129 lbs. is, probably more than he usually sealed when a free man, and was perhaps owing to in action and high -- feeding during the time he was undertrial.

6. In a large measure, I regard the other charges of the ill-treatment to which Chidambaram was said to be subjected, in Subburatnam's letter, as minor. All seems to centre in the diet question and other matters are merely brought in to cover the main point and indirectly and a little side force to it perhaps. For instance, I could find no evidence that he had been threatened by an Assistant Jailor. The threat would be purposeless and the official could have had no object in making it. It is far more probable that native officials would treat him with an undue amount of leniency. Chidambaram was warned for bringing a false charge against convict warder No.9849 who was the means of getting convict No.6917 punished for making a disturbance in his cell after lockup. In this instance -- Chidambaram interfered in a matter in which he was in no way concerned.

7. The Jailor admits very frankly that he recalled the incident of Chidambaram's saluting him with his hand, when he told him the duty of a prisoner was to stand to attention and not salaam. In Madras Jails it is only when a petition or request is to be made that is customary to a prisoner to hold up his hand, to indicate the fact that he wishes to speak. The Jailor denies ever having threatened the convict, and the passage about being placed amongst the 'black caps' meaning being put amongst habitual - offenders, is so well known amongst prisoners and officials to be irregular, that it is difficult to conceive of such a threat having been made, much less carried out. The statement about reckless convicts being trained to assault people, is too absurd to call for serious notice. There are three non-official visitors of the Cannanore Jail of whom two are said to know English well and the third though not so well, still sufficiently, to write his minute in the visitors' book in English. It is not alone that there are non-official visitors coming to the Jail now and again, but official visitors also come from time to time. If convicts will not open their mind to these visitors, but directly tell them falsehoods as Subburatnam admits, they have themselves only to blame, if their statements subsequently are misunderstood or disbelieved. The charges of corruption brought against Jail subordinates are too vague to admit of enquiry and the statement that brahmins are required to do scavenging work, is untrue. If such were attempted, it would meet with no success and probably and in disturbance.

8. I questioned Chidambaram Pillai closely, as to his treatment at Cannanore, assuring him that I wanted to hear the truth and that he need have no fear of telling it, and I would see that any legitimate cause of complaint he may have, would be removed. He then after a little hesitation said that the Jailor was against him, or words to that effect, but on my pressing him to name some succinct grievance, that I could enquire into, he mentioned that the food of brahmins was cooked or handled by Moplahs, or cooked in the main kitchen, instead of a compartment apart. I thereupon took him to the cook-house to explain to me on the spot, what the objections were. To his great disappointment apparently, the high caste cook disposed of the complaint in a manner satisfying to the officials present, by showing clearly that the food for Saivams was cooked apart and otherwise dealt with in an orthodox way. So unconvinced still was Chidambaram, that all was correct, that he put his fingers in the ashes to assure himself that the fire place was used for cooking that morning, and hastily withdrew them, as the live coals were still there. He had no more to say.

9. As Chidambaram's further stay at Cannanore, is not unlikely to furnish material for future discussion, especially as he has expressed himself as not on the best of terms with the Jailor, and one or two other subordinates. I think it would be well to send him elsewhere for a change of environment. I propose transferring him to Vellore. There seems to me to be nothing in his treatment so far, to which reasonable objection could be made. What he objects to,

is ragi, hard work, and the want of un-usual facilities for having an easy time of it and communicating with his friends more frequently than the rules permit. He has been treated like other convicts and would have no cause of complaint, if he did not traverse the rules.

I have the honour to be,
Sir,
Your most obedient Servant,
Sd/ Macnamara, Lieut,Col.I.M.S.,
Inspector General of Prisons.

77

G.O.No.151, Judicial, dt.1st February 1912.

Order Mis. No.151, dt.1.2.1912

Recorded.

2. The Government see no reason why the convict Chidambaram Pillai should be transferred from Cannanore.

C.W.E.C.
31.1.12

...565

FORT ST. GEORGE GAZETTE.

574 20 JUNE 1911 PART I.

PUBLIC DEPARTMENT

NOTIFICATION

Ootacamund, June 17, 1911.

No.330 - The Governor in Council has received with profound sorrow the painful intelligence of the death at the hands of an assassin of Mr.Robert William D'Estcourt Ashe, Collector and District Magistrate of Tinnevelly. Mr.Ashe was an officer of marked capacity, sound judgment and broad sympathies, and by his death the State has lost a most valuable public servant.

His Excellency the Governor in Council desires to offer his deepest sympathy to Mrs.Ashe and the members of her family in the terrible bereavement that has befallen them.

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G.O.No.352, Judicial, dt.5th March 1912.

Judicial Department

The Hon'ble Mr.Kesava Pillai.

Question 1(a) With reference to my interpellation No.30, and the answer thereto on the 15th May last, has the attention of Government been drawn to a letter by the wife of Subramania Siva, confined in the Salem Central Jail, in the Hindu of the 22nd December 1911 ?

(b) If so, will the Government be pleased to state whether he is reduced in weight by 60 lb ?

(c) Will the Government be pleased to reconsider, and order his release, in view of his incurable disease and weakness, as an act of mercy in commemoration of the most auspicious and solemn announcement by His Most Gracious Majesty in person at Delhi of his blessed Coronation as the Emperor of India to His Imperial Majesty's loving and faithful Indian subjects ?

[Meeting of the 1912]

H.E.'s remarks on the draft answer to clause (b) of question 1.

We certainly ought to have information on this point: If we cannot have it before the 14th we should add "but are taking steps to obtain it."

T.L.G.C.

30.1.12

To
The Judicial Department U.O.

79

G.O.No.352, Judicial, dt. 5th March 1912.

Judicial Department

Ref No.304-1/2.2.12.

The attention of the Inspector General of Prisons is drawn to the article in the 'Hindu' dated the 22nd December'11 regarding convict Subramanya Siva and he is requested to report whether the allegation that the convict is reduced in weight by 60 lbs. is correct. The reply should be telegraphed to Government is necessary direct from Salem so as to reach them by the 6th inst.

Sd/
2.2.

To

The Inspector General of Prisons
(with a copy of the issue of
the Hindu dated 22nd December
1911 to be returned with reply)

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G.O.No.352, Judicial, dt.5th March 1912.

Copy of Indian Telegraphs Notice

Salem Madras	5	12.35	State Madras	received 12/50	33 words

358 Second Convict loss of weight last 111	reference Judicial 30th February allegation regarding Subramania Sivas weight untrue admission 108 weight 24 December 109 present weight.

- CENTRAL JAIL -

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G.O.No.352, Judicial, dt.5th March 1912.

Page No.6

Copy of INDIAN TELEGRAPHS NOTICE

Trichinopoly	8	Hours	State	52 words
		9.35		H.9.42

Your telegram 82 political Convict Subramania Siva weighed on admission ninth July 1908 109 pounds and on transfer on nineteenth October 1910 104 pounds.

- CENTRAL JAIL -

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G.O.No.352, Judicial, dt.5th March 1912.

Page No.7

	Hour	Minute	Service instruction	Words
Palamcottah	8 . 12	45	State received 13-16	24

Madras Madras.

Your wire 83 yesterday Subramania Siva weighed 112 pounds twelfth March 08 and 110 pounds nineth July 08

- JAIL -

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G.O.No.352, Judicial, dt.5th March 1912.

Page No.17

Question 1 (a) With reference to my interpellation No.30, and the answer there to on the * 15th May last, has the attention of Government been drawn to a letter by the wife of Subramanya Siva, confined in the salem Central Jail, in the Hindu of the 22nd December 1911 ?

* Release of convict Subramanya Siva.

(b) If so, will the Government be pleased to state whether he is reduced in weight by 60 pounds ?

(c) Will the Government be pleased to re-consider, and order his release, in view of his incurable disease and weakness, as an act of mercy in commemoration of the most auspicious and solemn announcement by His Most Gracious Majesty in person at Delhi of his blessed Coronation as the Emperor of India to His Imperial Majesty's loving and faithful Indian subjects ?

Answer 1 (a) The Government have perused the letter in question

(b) The convict has not lost 60 pounds in weight since his admission to jail. He weighed 112 pounds on admission to the Palamcottah Jail : he now weighs 111 pounds.

(c) Subramanya Siva was granted six months' remission of sentence on the occasion of the Darbar, but the Government are not prepared to consider the question of his release.

For the D.S.

The answer given was the same as that proposed by this department.

Draft recording the papers is submitted.

Sd/
4.3.12

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G.O.No.365, Judicial, dt.6th March 1912.

Page 3 nf.

Treatment of Convict Chidambaram Pillai in Cannanore Jail.

Question 5(a) Has the attention of the Government been drawn to a letter in the Hindu of the 25th November last under the heading "Treatment of Mr.V.O.Chidambaram Pillai" in the Cannanore Central Jail ?

(b) If so, has the Government been pleased to enquire into the allegation of forcing with penalties and threats of penalties the ragi diet on Chidambaram Pillai who had been accustomed to live on rice before he was convicted and also into the other serious allegations contained in this letter ?

(c) If the enquiry has been made, will the Government be pleased to lay on the table the full report submitted to them, and the proceedings of the Government thereon, for public information ?

Answer 5:

The Inspector-General of Prisons has enquired into the allegations made in the letter mentioned in the question and the Government are satisfied that the charges brought against the jail officials are unfounded. They are not prepared to lay the Inspector-General's report on the table, but if the Honourable Member wishes to see it, it will be shown to him privately.

Judicial Department.

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G.O.No.366, Judicial, dt.6th March 1912.

Release and treatment of V.O.Chidambaram Pillai.

Page 3 cf.

Mr.V.O.Chidambaram Pillai.

Mr.G.Pichiay Pillai writes to us from Cannanore under dated 30th December:-

I request you will kindly publish the following in your valuable daily and oblige:-

I came here with my sister and her children on the 10th instant, hoping that my brother in law, Mr.V.O.Chidambaram Pillai of Tuticorin, might be released on the date of the Emperor's Coronation at Delhi. On the Coronation date hundred and sixty nine convicts were released from the Cannanore Central Jail, of whom about 10 had hardly passed half the terms of their sentences. But my brother in law, although he had already suffered double the maximum punishment provided in the law for the offences for which he is convicted, was not released. How he has suffered double the maximum punishment, I shall show:-

Mr.Pillay was finally, in appeal, convicted and sentenced to six years' transportation for offences under sections 124A and 153A of the Indian Penal Code. If the Punishment of imprisonment was given to him instead of transportation, he would not have been given more than 3 years, even though it is simple, for that is the maximum term of imprisonment provided in Section 124A, the major

offence of the two. Mr.Pillai is treated in jail since the date of his conviction as a convict sentenced to rigorous imprisonment, in spite of his repeated protests against such treatment, and inspite of his repeated prayers to deport him to Andamans in accordance with the Government rules in force or to commute his sentence of 6 years transportation to that of three years simple imprisonment in accordance with the provisions of Section 124A of I.P.C. made by petitions to the Government of Madras and the Government of India. So, it will be clear to any body that he must be released no sooner than he served three years rigorous imprisonment. He was convicted on the 7th of July 1908, with the 11th of December 1911 he has passed three years, five months and five days. On the 2nd of November 1908, when His Majesty the late Emperor of India read and renewed the Queen's Proclamation. His Majesty made a gift to the Indian convicts by way of remission at the rate of one month per year on the whole terms of sentences they were undergoing on that date. Mr.Pillay was, on the 2nd of November 1908, undergoing a sentence of twenty years transportation. Accordingly he is entitled to a remission of 20 months. Then in the year 1910, when His Majesty the present King and Emperor of India ascended the Throne, His Majesty granted a remission to the Indian convicts at a certain rate on the terms of sentence they had to pass after that date. In that Mr.Pillai was given a remission of three months. Lately on the 12th instant, His Majesty granted a remission to the Indian convicts at the rate of one month

per year on the terms of sentences they were undergoing on that date. In this Mr.Pillai is entitled to a remission of six months. And on the 11th instant Mr.Pillai had got to his credit a remission of fifty five days granted to him under the remission system for labour. Thus Mr.Pillai has earned a total remission of 2 years, 6 months and 25 days. Adding to the said total remission to the actual sentence Mr.Pillai has completed six years' rigorous imprisonment on the 11th of December 1911. Yet, Mr.Pillai was not released on the 11th instant, the date on which he passed double the maximum terms of imprisonment provided in law for his offence, and was not released on the 12th instant the date on which several convicts in murder and dacoity cases, who had hardly passed half of the terms of their sentences were released, and he has not been released up to date, even though a good number of days have elapsed after he had suffered double the maximum punishment provided in law for the offences for which he is convicted.

To this fact I beg to draw the immediate attention of His Excellency the Governor of Madras. His Excellency the Governor General of India and His Majesty the King and Emperor of India, and also of those that are interested in the just administration of the British Government in this country.

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G.O.No.366, Judicial, dt.6th March 1912.

Judicial Department

The Hon'ble Mr.Kesaya Pillai.

Question 21(a) Has the attention of the Government been drawn to a letter in the Hindu of the 3rd January by "G.Pichiay Pillai" in which it is stated that his brother-in-law Chidambaram Pillai was not released though he had suffered more than the allotted time, making due allowance for the Coronation concessions and for the remissions earned by him under the Jail rules ?

(b) If so, will the Government be pleased to state the circumstances under which Chidambaram Pillai is not yet released ?

(c) Will the Government be pleased to state the number of prisoners, male and female, released in honour of the Great Coronation Darbar of His Majesty in various jails ?

(Meeting of 14th February 1912)

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G.O.No.366, Judicial, dt.6th March 1912.

Judicial Department

Endt.No.175-1, dt.20.1.1912.

Forwarded to the I.G. of Prisons for favour of immediate report, as to the remission earned by the convict V.O.Chidambaram Pillai.

Sd/
20.1.12

To

The I.G. of Prisons
(with copy of question)

G.O.No.366, Judicial, dt.6th March 1912.

Page 5 to 7 of   Dt. 31.1.12

Subject: Furnishing particulars regarding the remission of convict Chidambaram Pillai.

No.CG. 178

Station Trichinopoly, dated the 30th January 1912

From (Name) Lt.Col.R.J.Macnamara M.D., I.M.S.,

Designation: Inspector General of Prisons.

To the Chief Secretary to the Government of Madras.

Sir,

With reference to Judicial Endorsement No.175-1, dated 20th January 1912,* I have the honour to state that convict V.O.Chidambaram Pillai was sentenced by the Sessions Judge, Tinnevelly to transportation for life in each of two cases, both sentences to run concurrently. On appeal these two sentences were reduced by the High Court to 6 years and 4 years transportation both these sentences to run concurrently.

2. He was admitted into jail on 7th July 1908 since then he has earned 92 days ordinary remission upto 24.1.1912. Out of this 92 days, 37 days remission was

cancelled for jail offences committed by the prisoner on 7 different occasions vide the extract from punishment book attached. Accordingly he has 55 days ordinary remission to his credit. Besides this, he was granted 6 months Proclamation remission 3 months Accession remission and 6 months Delhi Durbar remission entrusting the above remissions and the period of imprisonment actually undergone by the prisoner from the period of his sentence viz 6 years, it will be seen that the convict had more than a year's sentence still to undergo on the 24th January 1912. The statement in the Hindu that the prisons "was not released though he had suffered more than the allotted time, making allowances for the coronation concessions and for the remissions earned by him under the jail rules is therefore incorrect.

3. The nominal roll of convict Chidambaram Pillai is herewith enclosed.

4. With reference to query 21(c) of the Hon'ble Mr.Kesava Pillai, I beg to report that 1622 males (including one sedition prisoner and 95 civil debtors) and 121 females were released from Madras Jails on the 12th December 1911 in honour of the coronation Durbar of His Majesty at Delhi.

I have the honor to be
Sir,
Your Most obedient servant
Sd/ Macnamaran Lt.Col.I.M.S.
Inspector General of Prisons.

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Date	Offence	Punishment
8.2.1907	Short work	Fined 4 days
8.4.1909	Carrying on a surreptitious correspondence in January 1909	Fined all remission in quarter ending 31.12 1908 viz. 4 days and 10 marks
17.7.1909	Being insolent to the superintendent	Fined 9 days
23.4.1910	Impertinence to medical Officer	Fined 2 days
29.10.1910	Vide Remission sheet	Fined 9 days
20.11.1911	For refusing to take his food	Fined 3 days
24.11.1911	For totally refusing to report a matter against Jail Discipline while admitting, that he has been informed of it.	Fined 6 days
	Total	37 days and 10 marks

Sd/

Superintendent.

G.O.No.366, Judicial, dt.6th March 1912.

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Release of convict Chidambaram Pillai.

Question 6(a) Has the attention of the Government been drawn to a letter in the Hindu of the 3rd January By "G.Pichiay Pillai" in which it is stated that his brother-in-law Chidambaram Pillai was not released though he had suffered more than the allotted time, making due allowance for the Coronation Concessions and for the remissions earned by him under the jail rules ?

(b) If so, will the Government be pleased to state the circumstances under which Chidambaram Pillai is not yet released ?

Answer 6

The Government have perused the letter in question. The statement made therein that Chidambaram Pillai was eligible for release on the 11th December 1911 is without foundation. On that date the unexpired term of his sentence allowing for Proclamation, Durbar and Ordinary Jail remissions amounted to over a year.

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